

**MONDAY, MARCH 26, 2018**

**SIXTY-FOURTH LEGISLATIVE DAY**

The House met at 4:00 p.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by John Hunn, Emmanuel Baptist Church, Lebanon, TN.

Representative Boyd led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 90

Representatives present were Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Howell, Hulsey, Jernigan, Johnson, Jones, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 90

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Alexander; business

Representative DeBerry

Representative Holt

**PRESENT IN CHAMBER**

Reps. DeBerry, Holsclaw, Holt, Lynn and Moody were recorded as being present in the Chamber.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 708** Rep. Hardaway as prime sponsor.

**House Joint Resolution No. 958** Rep. M. Hill as prime sponsor.

**House Joint Resolution No. 977** Reps. Carter, Hazlewood, McCormick and Favors as prime sponsors.

**House Joint Resolution No. 982** Reps. Towns, Matheny, Terry, Rudd, J. Sexton and Rogers as prime sponsors.

**House Joint Resolution No. 985** Rep. Farmer as prime sponsor.

**House Joint Resolution No. 994** Reps. Turner, Hardaway, DeBerry, Akbari, Camper, Miller, Parkinson, Shaw, Favors, Cooper, Gilmore, Staples, Love and Harwell as prime sponsors.

**House Bill No. 487** Reps. M. White and McDaniel as prime sponsors.

**House Bill No. 571** Reps. Calfee, Lollar, Zachary, Hulse, Butt, Travis, Moody, Byrd, Farmer, Halford and Matlock as prime sponsors.

**House Bill No. 1480** Reps. M. White, Coley and Love as prime sponsors.

**House Bill No. 1485** Rep. Hardaway as prime sponsor.

**House Bill No. 1625** Rep. Hardaway as prime sponsor.

**House Bill No. 1642** Rep. Hardaway as prime sponsor.

**House Bill No. 1663** Rep. Hardaway as prime sponsor.

**House Bill No. 1857** Rep. Calfee as prime sponsor.

**House Bill No. 1951** Rep. Hardaway as prime sponsor.

**House Bill No. 1966** Rep. Rogers as prime sponsor.

**House Bill No. 2019** Rep. Carter as prime sponsor.

**House Bill No. 2050** Rep. Hardaway as prime sponsor.

**House Bill No. 2080** Rep. Daniel as prime sponsor.

**House Bill No. 2092** Reps. Hardaway, Gant, Coley and M. White as prime sponsors.

**House Bill No. 2180** Rep. Ramsey as prime sponsor.

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**House Bill No. 2195** Reps. J. Sexton, Zachary, M. White, Gravitt, Terry, Powers, Windle, Camper, Rogers, Sherrell, Kumar, Holsclaw, Gant, Butt and Crawford as prime sponsors.

**House Bill No. 2199** Reps. Clemmons and Hardaway as prime sponsors.

**House Bill No. 2216** Rep. Clemmons as prime sponsor.

**House Bill No. 2279** Reps. Littleton, Howell, Gant, Lynn, Rudd, Terry, Stewart, J. Sexton, Hicks, Akbari, Parkinson, Sanderson and Forgety as prime sponsors.

**House Bill No. 2304** Rep. Daniel as prime sponsor.

**House Bill No. 2439** Reps. Lamberth, Powell and M. White as prime sponsors.

**House Bill No. 2464** Reps. J. Sexton, Moody, Hardaway and Terry as prime sponsors.

**House Bill No. 2524** Rep. Clemmons as prime sponsor.

**House Bill No. 2606** Reps. Powell, Clemmons, Coley, Gilmore, Moon, Beck, Akbari, Towns, Camper, Parkinson and Turner as prime sponsors.

**ENROLLED BILLS  
March 23, 2018**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1499, 1573, 1576, 1969, 2035 and 2186; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS  
March 23, 2018**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 641, 870, 874, 918, 919, 920 and 940; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED  
March 23, 2018**

The Speaker announced that she had signed the following: House Joint Resolutions Nos. 641, 870, 874, 918, 919, 920 and 940.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**March 23, 2018**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 641, 870, 874, 918, 919, 920 and 940; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK**

**March 23, 2018**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 641, 870, 874, 918, 919, 920 and 940; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR**

**March 23, 2018**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 1437, 1478, 1486, 1675, 1784, 1811, 1851, 1944, 1970, 2123, 2128 and 2294; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor

**MESSAGE FROM THE SENATE**

**March 26, 2018**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 2413, 2425 and 2648; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 2413** -- Insurance, Health, Accident - As introduced, requires the commissioner of commerce and insurance to study issues related to including screening for the hepatitis C virus as a part of preventive services or as a mandated health insurance benefit for health insurance entities regulated by the department including consideration of the benefits and costs of broad based or targeted screening for the hepatitis C virus; the commissioner shall report to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019. - Amends TCA Title 56. by \*Kyle. (HB2448 by \*Thompson, \*Hardaway)

**Senate Bill No. 2425** -- Regional Authorities and Special Districts - As introduced, removes the requirement that each metropolitan planning organization's policy board ensures that the votes for any local government official be equally weighted and not based on population. - Amends TCA Section 64-8-301. by \*Haile, \*Dickerson. (\*HB2362 by \*Wirgau, \*Lynn)

**Senate Bill No. 2648** -- Industrial Development - As introduced, renames the Tennessee Technology Development Corporation by adding the designation "dba Launch Tennessee"; revises the purpose and functions of the corporation; increases, from three to seven years, the period during which commercial and financial information received by the corporation from an applicant remains confidential. - Amends TCA Title 4, Chapter 14, Part 3. by \*Watson. (\*HB2216 by \*Hazlewood, \*Sexton C)

**MESSAGE FROM THE SENATE  
March 26, 2018**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 785; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 785** -- Memorials, Retirement - Jess O. Hale. by \*Crowe, \*Haile, \*Hensley, \*Watson, \*Massey, \*Swann, \*Briggs, \*McNally, \*Jackson, \*Kyle.

**MESSAGE FROM THE SENATE  
March 26, 2018**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 593, 752, 753, 754, 755, 756, 757, 758 and 759; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 593** -- General Assembly, Directed Studies - Directs the Tennessee Advisory Commission on Intergovernmental Relations to study the overall effects on public education relative to having multiple school districts operating in the same county. by \*Haile, \*Crowe.

**Senate Joint Resolution No. 752** -- Memorials, Death - Buford Michael "Mike" Helton. by \*Swann, \*Southerland.

**Senate Joint Resolution No. 753** -- Memorials, Death - Jerry Hays. by \*Swann, \*Southerland.

**Senate Joint Resolution No. 754** -- Memorials, Death - Vernon "Coach O" Osborne. by \*Swann.

**Senate Joint Resolution No. 755** -- Memorials, Interns - Robert Austin Anderson. by \*Dickerson.

**Senate Joint Resolution No. 756** -- Memorials, Retirement - Jimmy Moore. by \*Bailey.

**Senate Joint Resolution No. 757** -- Memorials, Death - Joe Albrecht. by \*Bailey.

**Senate Joint Resolution No. 758** -- Memorials, Sports - Upperman High School girls' basketball team, 2018 TSSAA State Champions. by \*Bailey.

**Senate Joint Resolution No. 759** -- Memorials, Death - Dr. Alan Tatum. by \*Bailey, \*Haile, \*McNally.

**PERSONAL ORDERS**

**RULES SUSPENDED**

Rep. Carr moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 985 out of order, which motion prevailed.

**House Joint Resolution No. 985** -- Memorials, Retirement - Gary L. West. by \*Carr .

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Carr, the resolution was adopted.

A motion to reconsider was tabled.

**RECOGNITION IN THE WELL**

Representative Boyd was recognized in the Well to introduce the Wilson Central High School Chamber Choir.

**RECOGNITION IN THE WELL**

Representative Parkinson was recognized in the Well to honor Kalyn Grandberry, Mr. Football in Division I Class 3A and Candous Brown for her meritorious service to the students of Tennessee.

**RESOLUTION READ**

The Clerk read House Resolution No. 198, adopted February 8, 2018.

**House Resolution No. 198** -- Memorials, Sports - Kalyn Grandberry, Mr. Football in Division I Class 3A. by \*Parkinson, \*Cooper, \*Thompson, \*Turner, \*Hardaway, \*DeBerry, \*Camper, \*Coley, \*Akbari, \*Miller, \*Lollar, \*Towns, \*Vaughan, \*White M.

**RESOLUTION READ**

The Clerk read House Resolution No. 199, adopted February 8, 2018.

**House Resolution No. 199** -- Memorials, Recognition - Candous Brown. by \*Parkinson, \*Cooper, \*Thompson, \*Turner, \*Hardaway, \*DeBerry, \*Camper, \*Coley, \*Akbari, \*Miller, \*Lollar, \*Towns, \*Vaughan, \*White M.

**RECOGNITION IN THE WELL**

Representative Fitzhugh was recognized in the Well to honor Representative JoAnne Favors.

**RULES SUSPENDED**

Rep. Fitzhugh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 912 out of order, which motion prevailed.

**House Joint Resolution No. 912** -- Memorials, Public Service - Representative JoAnne Favors. by \*Fitzhugh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Fitzhugh, the resolution was adopted.

A motion to reconsider was tabled.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 912.

**House Joint Resolution No. 912** -- Memorials, Public Service - Representative JoAnne Favors. by \*Fitzhugh.

**RECOGNITION IN THE WELL**

Representative Stewart was recognized in the Well to honor Representative Craig Fitzhugh.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 915.

**House Joint Resolution No. 915** -- Memorials, Public Service - Representative Craig Fitzhugh. by \*Stewart.

**RULES SUSPENDED**

Rep. Stewart moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 915 out of order, which motion prevailed.

**House Joint Resolution No. 915** -- Memorials, Public Service - Representative Craig Fitzhugh. by \*Stewart.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Stewart, the resolution was adopted.

A motion to reconsider was tabled.

**RECOGNITION IN THE WELL**

Representative Williams was recognized in the Well to honor Representative Tilman Goins.

**RULES SUSPENDED**

Rep. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 872 out of order, which motion prevailed.

**House Joint Resolution No. 872** -- Memorials, Public Service - Representative Tilman Goins. by \*Williams, \*Casada, \*Harwell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams, the resolution was adopted.

A motion to reconsider was tabled.

**RESOLUTION READ**

The Clerk read House Joint Resolution No. 872.

**House Joint Resolution No. 872** -- Memorials, Public Service - Representative Tilman Goins. by \*Williams, \*Casada, \*Harwell.

**RECOGNITION IN THE WELL**

Representative Williams was recognized in the Well to honor Representative Kevin Brooks.



### RULES SUSPENDED

Rep. Williams moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 905 out of order, which motion prevailed.

**House Joint Resolution No. 905** -- Memorials, Public Service - Representative Kevin Brooks. by \*Williams, \*Casada.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams, the resolution was adopted.

A motion to reconsider was tabled.

### RESOLUTION READ

The Clerk read House Joint Resolution No. 905.

**House Joint Resolution No. 905** -- Memorials, Public Service - Representative Kevin Brooks. by \*Williams, \*Casada.

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for March 29, 2018:

**House Resolution No. 264** -- Memorials, Sports - Waynesboro 14u Tennessee Elite baseball team, World Series Champions. by \*Byrd.

**House Resolution No. 265** -- Memorials, Death - Suzanne Sneed Lamon. by \*Doss.

**House Joint Resolution No. 984** -- Memorials, Professional Achievement - Dr. Randy Hammon, 2018 TVMA Lifetime Achievement Award. by \*McCormick.

**House Joint Resolution No. 986** -- Memorials, Professional Achievement - Bryan Schultz, Knox County Teacher of the Year. by \*Smith, \*Brooks H.

**House Joint Resolution No. 987** -- Memorials, Professional Achievement - Madison Snyder, Knox County Teacher of the Year. by \*Smith, \*Brooks H.

**House Joint Resolution No. 988** -- Memorials, Professional Achievement - J.T. Hicks, Knox County Teacher of the Year. by \*Smith, \*Brooks H.

**House Joint Resolution No. 989** -- Memorials, Academic Achievement - Warren Sims, Valedictorian, Sequatchie County High School. by \*Travis.

**House Joint Resolution No. 990** -- Memorials, Academic Achievement - Savannah Land, Salutatorian, Sequatchie County High School. by \*Travis.

**House Joint Resolution No. 991** -- Memorials, Academic Achievement - Emily Oakes, Salutatorian, Bledsoe County High School. by \*Travis.

**House Joint Resolution No. 992** -- Memorials, Academic Achievement - Timothy Hawn, Valedictorian, Bledsoe County High School. by \*Travis.

**House Joint Resolution No. 993** -- Memorials, Interns - Hunter Sinclair. by \*Doss.

**House Joint Resolution No. 995** -- Memorials, Recognition - Tina Fox. by \*Harwell.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution listed was noted as being placed on the Consent Calendar for March 29, 2018:

**Senate Joint Resolution No. 752** -- Memorials, Death - Buford Michael "Mike" Helton. by \*Swann.

**Senate Joint Resolution No. 753** -- Memorials, Death - Jerry Hays. by \*Swann.

**Senate Joint Resolution No. 754** -- Memorials, Death - Vernon "Coach O" Osborne. by \*Swann.

**Senate Joint Resolution No. 755** -- Memorials, Interns - Robert Austin Anderson. by \*Dickerson.

**Senate Joint Resolution No. 756** -- Memorials, Retirement - Jimmy Moore. by \*Bailey.

**Senate Joint Resolution No. 757** -- Memorials, Death - Joe Albrecht. by \*Bailey.

**Senate Joint Resolution No. 758** -- Memorials, Sports - Upperman High School girls' basketball team, 2018 TSSAA State Champions. by \*Bailey.

**Senate Joint Resolution No. 759** -- Memorials, Death - Dr. Alan Tatum. by \*Bailey.

**Senate Joint Resolution No. 785** -- Memorials, Retirement - Jess O. Hale. by \*Crowe, \*Haile, \*Hensley, \*Watson, \*Massey, \*Swann, \*Briggs, \*McNally, \*Jackson, \*Kyle.

**RESOLUTIONS LYING OVER**

On motion, the resolutions listed were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 518** -- Memorials, Government Officials - Supports construction of interchange on I-24 at Rocky Fork Road in Rutherford County.. by \*Ketron.

House Transportation Committee

**\*Senate Joint Resolution No. 554** -- General Assembly, Statement of Intent or Position  
- Encourages the bureau of TennCare to improve access to and quality of treatment for eligible Tennessee residents suffering from addiction to opiates and other substances by means of appropriate federal Section 1115 waiver for Medicaid services.. by \*Yarbro, \*Kyle.

House Health Committee

**\*Senate Joint Resolution No. 557** -- General Assembly, Statement of Intent or Position  
- Encourages the bureau of TennCare to seek an appropriate federal Section 1115 demonstration waiver in order to expand access to evidence-based home visitation services to the families of babies with neonatal abstinence syndrome or related conditions; encourages seeking additional funding opportunities for the home visitation programs.. by \*Yarbro, \*Massey.

House Health Committee

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 1593** -- Evidence - As introduced, prohibits the exclusion from a criminal trial of certain out-of-court statements made by a child under 12 years of age that describe any sexual act or act of physical violence directed against the child. - Amends TCA Title 24. by \*Yager, \*Briggs, \*Haile, \*Jackson, \*Massey. (\*HB1480 by \*Lamberth, \*Matlock, \*Dunn, \*Jones)

**Senate Bill No. 1723** -- Textbooks - As introduced, revises the appointment process and qualifications for membership on the state textbook and instructional materials quality commission. - Amends TCA Title 4, Chapter 29, Part 2 and Title 49, Chapter 6, Part 22. by \*Bell. (\*HB1676 by \*Brooks H)

**\*Senate Bill No. 1789** -- Courts, General Sessions - As introduced, authorizes general sessions courts to permit filing, signing, and verifying documents electronically in the manner authorized by Tennessee Rules of Civil Procedure, Rule 5B. - Amends TCA Title 16, Chapter 15, Part 7. by \*Yarbro, \*Dickerson, \*Lundberg, \*Swann, \*Stevens, \*Kelsey, \*Bowling. (HB2199 by \*Beck, \*Farmer, \*Carter, \*Moody)

**Senate Bill No. 1907** -- Alcoholic Beverages - As introduced, designates Gaylord Springs Golf Links as a premier type tourist resort for purposes of consumption of alcoholic beverages on the premises. - Amends TCA Section 57-4-102. by \*Dickerson, \*Harper. (\*HB1752 by \*Jernigan)

**\*Senate Bill No. 1977** -- Public Health - As introduced, clarifies that a park does not include a greenway for purposes of the prohibition that no hypodermic syringe exchange program may be operated within 2,000 feet of a park; declares that in the event a greenway traverses a park, the greenway shall be considered a portion of that park for purposes of such prohibition. - Amends TCA Title 68. by \*Dickerson, \*Yarbro. (HB2180 by \*Hazlewood)

**\*Senate Bill No. 1998** -- Alcoholic Beverages - As introduced, designates the National Museum of African American Music as an urban park center for the purposes of on-premises consumption of alcoholic beverages. - Amends TCA Section 57-4-102. by \*Harper, \*Yarbro. (HB2308 by \*Beck)

**Senate Bill No. 2048** -- Hospitals and Health Care Facilities - As introduced, exempts certain records relating to the oversight of a cooperative agreement governed by certificate of public advantage from being public records. - Amends TCA Title 10, Chapter 7 and Title 68, Chapter 11, Part 13. by \*Crowe. (\*HB2020 by \*Hicks)

**\*Senate Bill No. 2075** -- Alcoholic Beverages - As introduced, designates the Whitestone Country Inn as a premier type tourist resort for the purposes of the on-premises consumption of alcoholic beverages. - Amends TCA Section 57-4-102. by \*Yager. (HB2530 by \*Calfee)

**\*Senate Bill No. 2174** -- Education, Higher - As introduced, requires governing boards of state institutions of higher education to adopt policies addressing management of student debts or obligations owed directly to the state institutions; removes a requirement that state institutions withhold diplomas, certificates of credit, or grade reports if the student has an outstanding debt to the institution of more than \$25.00. - Amends TCA Title 49, Chapter 7, Part 1 and Section 49-9-108. by \*Gardenhire. (HB2434 by \*White M)

**Senate Bill No. 2229** -- Water Pollution - As introduced, prohibits the department of environment and conservation from enforcing an action against a person discharging pollutants into waters of the state if the department was aware of the discharge, or if the discharge was within the reasonable contemplation of the department prior to the issuance of a final permit. - Amends TCA Title 69, Chapter 3, Part 1. by \*Southerland, \*Bell. (\*HB2313 by \*Lollar, \*White M)

**Senate Bill No. 2247** -- Human Services, Dept. of - As introduced, revises various provisions relative to public assistance. - Amends TCA Title 71, Chapter 1, Part 1; Section 71-3-104; Section 71-3-105; Section 71-5-314 and Section 71-5-316. by \*Norris, \*Watson, \*Roberts, \*Bowling, \*Green, \*Stevens. (\*HB1822 by \*Hawk, \*Casada, \*Howell, \*Boyd, \*Gant)

**Senate Bill No. 2294** -- Education, Higher - As introduced, changes from five business days to five days the amount of time within which an institution receiving optional expedited authorization must notify the Tennessee Higher Education Commission of actions involving the institution's accreditation status, legal actions, utilization of a letter of credit or cash management agreement, or a public announcement of an investigation involving the institution. - Amends TCA Title 49. by \*Bell. (\*HB2363 by \*Lynn)

**\*Senate Bill No. 2359** -- Drug and Alcohol Rehabilitation - As introduced, authorizes county or district health department to operate a needle and hypodermic syringe exchange program on petition of the county legislative body and approval by the department of health. - Amends TCA Title 68. by \*Yarbro. (HB2675 by \*Fitzhugh, \*Favors)

**Senate Bill No. 2508** -- Pensions and Retirement Benefits - As introduced, prohibits the trustees of any defined contribution plan or related investment vehicle established as a health benefit by the state insurance company from investing in any cryptocurrency. - Amends TCA Title 8. by \*Ketron. (\*HB2093 by \*Curcio, \*Staples)

**Senate Bill No. 2706** -- Alcoholic Beverages - As introduced, designates The Caverns in Grundy County as a premier type tourist resort for purposes of selling alcoholic beverages for consumption on premises. - Amends TCA Section 57-4-102. by \*Bowling. (\*HB2692 by \*Alexander, \*Matheny)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2711** -- Hamilton County -- House Local Government Committee

**House Bill No. 2712** -- Columbia -- House Local Government Committee

**House Bill No. 2713** -- Grand Junction -- House Local Government Committee

**House Bill No. 2714** -- Red Boiling Springs -- House Local Government Committee

**House Bill No. 2715** -- Alcoa -- House Local Government Committee

**House Bill No. 2716** -- Maury County -- House Local Government Committee

**House Bill No. 2717** -- Henry County -- House Local Government Committee

### **CONSENT CALENDAR**

**\*House Bill No. 2698** -- Perry County - Subject to local approval, authorizes the establishment of salary policies and scales for departments of the county; authorizes the appointment of a chief accountant and a budget director. by \*McDaniel.

**\*House Bill No. 1485** -- Tattoos and Piercings - As introduced, authorizes a tattoo artist to perform tattoo removal only as permitted by rules promulgated by the department of health. - Amends TCA Section 62-38-209. by \*Pitts.

**\*House Bill No. 2216** -- Industrial Development - As introduced, renames the Tennessee Technology Development Corporation by adding the designation "dba Launch Tennessee"; revises the purpose and functions of the corporation; increases, from three to seven years, the period during which commercial and financial information received by the corporation from an applicant remains confidential. - Amends TCA Title 4, Chapter 14, Part 3. by \*Hazlewood, \*Sexton C.

On motion, House Bill No. 2216 was made to conform with **Senate Bill No. 2648**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2050** -- Education, Higher - As introduced, requires state institutions of higher education to grant an excused absence to military reserve or national guard personnel for an absence due to mandatory military service; requires state institutions of higher education to permit military reserve and national guard personnel to withdraw or receive a grade of incomplete in any course if the service member is called to active duty while enrolled. - Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. by \*Ragan.

On motion, House Bill No. 2050 was made to conform with **Senate Bill No. 1925**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2444** -- Children's Services, Dept. of - As introduced, extends from 30 days to 40 days the period of advance notice that licensed child-placing agencies and licensed clinical social workers must provide the department before increasing fees charged to prospective adoptive parents. - Amends TCA Title 36. by \*Shaw.

**\*House Bill No. 2701** -- Lewis County - Subject to local approval, changes, from \$40 per day to \$50 per month, the compensation for members of the County Highway Advisory Commission; reduces, from \$300 to \$200 per month, the compensation for the chairman of the County Highway Advisory Commission. - Amends Chapter 395 of the Private Acts of 1937; as amended. by \*Byrd.

**House Bill No. 2204** -- Education - As introduced, revises the date by which the state board of education must require a course in Tennessee history for students from the 2018-2019 school year to the 2019-2020 school year. - Amends TCA Section 49-6-1015 and Chapter 482 of the Public Acts of 2017. by \*Byrd.

On motion, House Bill No. 2204 was made to conform with **Senate Bill No. 1471**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2428** -- Juvenile Offenders - As introduced, authorizes a law enforcement officer to transport any juvenile taken into custody to a juvenile assessment center, unless the child is in custody for certain offenses. - Amends TCA Title 37, Chapter 1, Part 1. by \*White M, \*Hardaway.

**\*House Bill No. 2696** -- School Districts, Special - As introduced, pursuant to the request of the Franklin special school district of Williamson County, permits the district to issue bonds or notes in an amount not to exceed \$26.5 million and to issue bond anticipation notes. - Amends Chapter 563 of the Private Acts of 1949. by \*Whitson.

**House Bill No. 2448** -- Insurance, Health, Accident - As introduced, requires the commissioner of commerce and insurance to study issues related to including screening for the hepatitis C virus as a part of preventive services or as a mandated health insurance benefit for health insurance entities regulated by the department including consideration of the benefits and costs of broad based or targeted screening for the hepatitis C virus; the commissioner shall report to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019. - Amends TCA Title 56. by \*Thompson, \*Hardaway.

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**\*House Bill No. 1979** -- Funeral Directors and Embalmers - As introduced, extends registration period for apprentice funeral directors, apprentice embalmers, and mortuary school students, from two to three years, or until the registrant has completed the apprenticeship requirements, whichever occurs first. - Amends TCA Section 62-5-312. by \*Forgety.

On motion, House Bill No. 1979 was made to conform with **Senate Bill No. 2046**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2250** -- Taxes, Sales - As introduced, extends the deadline by which a distressed rural county must apply to be eligible to retain the sales and use tax generated from a commercial development district from December 31, 2016, to December 31, 2020. - Amends TCA Title 67, Chapter 6. by \*Faison, \*Favors.

**House Bill No. 1625** -- Sunset Laws - As introduced, extends the department of intellectual and developmental disabilities for four years to June 30, 2022; requires the department to report back to the committee concerning the findings in its 2017 performance audit report. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by \*Faison, \*Ragan.

**House Bill No. 1626** -- Sunset Laws - As introduced, extends the department of revenue for four years to June 30, 2022. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by \*Faison, \*Ragan.

On motion, House Bill No. 1626 was made to conform with **Senate Bill No. 1532**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1636** -- Sunset Laws - As introduced, extends the Tennessee board of water quality, oil, and gas for five years to June 30, 2023. - Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3, Part 1. by \*Faison, \*Ragan.

On motion, House Bill No. 1636 was made to conform with **Senate Bill No. 1558**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1640** -- Sunset Laws - As introduced, extends the Tennessee higher education commission for four years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2 and Title 49, Chapter 7, Part 2. by \*Faison, \*Ragan.

On motion, House Bill No. 1640 was made to conform with **Senate Bill No. 1563**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1642** -- Sunset Laws - As introduced, extends the Tennessee student assistance corporation, board of directors for four years to June 30, 2022. - Amends TCA Title 4, Chapter 29, Part 2 and Title 49, Chapter 4, Part 2. by \*Faison, \*Ragan.

On motion, House Bill No. 1642 was made to conform with **Senate Bill No. 1565**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 1646** -- Sunset Laws - As introduced, extends the health services and development agency for three years to June 30, 2021. - Amends TCA Title 4, Chapter 29, Part 2 and Title 68, Chapter 11, Part 16. by \*Faison, \*Ragan, \*Sexton C.

On motion, House Bill No. 1646 was made to conform with **Senate Bill No. 1538**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1663** -- Sunset Laws - As introduced, creates sunrise provision for local governing boards of trustees of the board of regents state universities, to terminate June 30, 2019. - Amends TCA Title 4, Chapter 29, Part 2; Title 49, Chapter 8, Part 1 and Title 49, Chapter 8, Part 2. by \*Faison, \*Ragan.

On motion, House Bill No. 1663 was made to conform with **Senate Bill No. 1570**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1951** -- Sunset Laws - As introduced, extends the Tennessee bureau of investigation three years to June 30, 2021; requires the bureau to report back to the committee concerning the findings in its 2018 performance audit report. - Amends TCA Title 4, Chapter 29, Part 2 and Title 38, Chapter 6. by \*Faison.

On motion, House Bill No. 1951 was made to conform with **Senate Bill No. 2150**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 262** -- Memorials, Personal Occasion - Bob McKee, 75th birthday. by \*Forgety.

**House Resolution No. 263** -- Memorials, Public Service - Roger Campbell. by \*Ramsey.

**House Joint Resolution No. 956** -- Memorials, Death - Sarah Jean Cunningham. by \*Holt.

**House Joint Resolution No. 957** -- Memorials, Sports - University of Tennessee Volunteers men's basketball team. by \*Staples.

**House Joint Resolution No. 958** -- Memorials, Recognition - Bryan Merritt, TSEA president. by \*Keisling.

**House Joint Resolution No. 959** -- Memorials, Academic Achievement - Lindsey Truelove, Valedictorian, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 960** -- Memorials, Academic Achievement - Cameron Troutman, Salutatorian, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 961** -- Memorials, Academic Achievement - Alexa Cathey, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 962** -- Memorials, Academic Achievement - Danny Grooms, Top Ten Senior, Hampshire Unit School. by \*Butt.



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**House Joint Resolution No. 963** -- Memorials, Academic Achievement - Cade Jones, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 964** -- Memorials, Academic Achievement - Kelsie Vaughan, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 965** -- Memorials, Academic Achievement - Hunter Fender, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 966** -- Memorials, Academic Achievement - Liam Kelly, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 967** -- Memorials, Academic Achievement - Brittany Stewart, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 968** -- Memorials, Academic Achievement - David Kirk Whiteside, Top Ten Senior, Hampshire Unit School. by \*Butt.

**House Joint Resolution No. 969** -- Memorials, Academic Achievement - Matthew Spellman, Salutatorian, Roane County High School. by \*Travis.

**House Joint Resolution No. 970** -- Memorials, Academic Achievement - Madison Pearson, Valedictorian, Roane County High School. by \*Travis.

**House Joint Resolution No. 971** -- Memorials, Academic Achievement - Autumn Bowling, Salutatorian, Roane County High School. by \*Travis.

**House Joint Resolution No. 972** -- Memorials, Academic Achievement - Megan Ellison, Salutatorian, Roane County High School. by \*Travis.

**House Joint Resolution No. 973** -- Memorials, Academic Achievement - Annaleigha Benoit, Salutatorian, Rhea County Academy. by \*Travis.

**House Joint Resolution No. 974** -- Memorials, Academic Achievement - Emily Elaine Stumbo, Valedictorian, Rhea County High School. by \*Travis.

**House Joint Resolution No. 975** -- Memorials, Academic Achievement - Cody Alexander Levi, Salutatorian, Rhea County High School. by \*Travis.

**House Joint Resolution No. 976** -- Memorials, Academic Achievement - Hannah Keylon, Valedictorian, Rhea County Academy. by \*Travis.

**House Joint Resolution No. 977** -- Memorials, Retirement - Pam Hurst. by \*Gravitt.

**House Joint Resolution No. 978** -- Memorials, Personal Occasion - Robert C. McVicker, 100th birthday. by \*Butt.

**House Joint Resolution No. 979** -- Memorials, Academic Achievement - Brenna G. Giese, Valedictorian, Dickson County High School. by \*Littleton.

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**House Joint Resolution No. 980** -- Memorials, Academic Achievement - Rachel H. Faulks, Salutatorian, Dickson County High School. by \*Littleton.

**House Joint Resolution No. 981** -- Memorials, Recognition - TriStar Horizon Medical Center of Dickson's Medical Surgical Unit. by \*Littleton.

**House Joint Resolution No. 982** -- Memorials, Recognition - Kurdish community of Nashville. by \*Sparks, \*VanHuss, \*Beck, \*Forgety, \*Ramsey, \*Butt.

**House Joint Resolution No. 983** -- Memorials, Recognition - Dr. William H. McHorris. by \*Daniel.

**Senate Joint Resolution No. 725** -- Memorials, Retirement - Linda O'Neal. by \*Crowe, \*Briggs, \*Haile, \*Kyle, \*Massey, \*Yarbro.

**Senate Joint Resolution No. 728** -- Memorials, Death - Officer Joseph Bowen. by \*Pody.

**Senate Joint Resolution No. 730** -- Memorials, Recognition - Dr. Phillip Kinslow, DVM, Wilson County Agricultural Hall of Fame. by \*Pody.

**Senate Joint Resolution No. 731** -- Memorials, Recognition - Noel Gray Yelton, Wilson County Agricultural Hall of Fame. by \*Pody.

**Senate Joint Resolution No. 732** -- Memorials, Recognition - Tim Bell, Larry Griffin Paramedic of the Year. by \*Pody.

**Senate Joint Resolution No. 733** -- Memorials, Recognition - David Collins, 2017-2018 LifeChanger of the Year Award. by \*Haile.

**Senate Joint Resolution No. 734** -- Memorials, Death - Billy Walker. by \*Pody.

**Senate Joint Resolution No. 735** -- Memorials, Recognition - Knoxville Fire Fighters Association Local #65, 100th anniversary. by \*Massey, \*Briggs, \*McNally.

**Senate Joint Resolution No. 736** -- Memorials, Sports - Webb School of Knoxville girls' basketball team, TSSAA State Champions. by \*Massey, \*Briggs, \*McNally.

**Senate Joint Resolution No. 737** -- Memorials, Recognition - Tennessee Theatre, 90th anniversary. by \*Massey, \*Briggs, \*Crowe, \*McNally.

**Senate Joint Resolution No. 738** -- Memorials, Sports - Toby Lynch, TSSAA Wrestling State Champion. by \*Roberts, \*Watson.

**Senate Joint Resolution No. 739** -- Memorials, Public Service - Allison Chancey. by \*Gardenhire, \*Bell.

**Senate Joint Resolution No. 740** -- Memorials, Death - Phyllis Hopper Naylor. by \*Gresham.

## **MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**Senate Joint Resolution No. 741** -- Memorials, Sports - Grace Christian Academy of Knoxville boys' basketball team, TSSAA State Champions. by \*Massey, \*Briggs, \*McNally.

**Senate Joint Resolution No. 742** -- Memorials, Personal Occasion - Blanche Bell, 86th birthday. by \*Southerland, \*Crowe.

**Senate Joint Resolution No. 743** -- Memorials, Retirement - David Collins. by \*Haile.

**Senate Joint Resolution No. 744** -- Memorials, Recognition - Tennessee Senior Stars. by \*Haile.

**Senate Joint Resolution No. 745** -- Memorials, Personal Occasion - Cora Lee Eads Weeks, 80th birthday. by \*Yarbro.

**Senate Joint Resolution No. 746** -- Memorials, Interns - Jessica Blakley. by \*Johnson.

**Senate Joint Resolution No. 747** -- Memorials, Death - George Leonard Bilbrey. by \*Yager.

**Senate Joint Resolution No. 748** -- Memorials, Death - Dr. B.F. Allred. by \*Yager.

**Senate Joint Resolution No. 749** -- Memorials, Recognition - Shelby Hughes Briggs, 2018 Tennessee Tar Wars Poster Contest. by \*Hensley.

**Senate Joint Resolution No. 750** -- Memorials, Recognition - Stars of Greene County Schools Award recipients. by \*Southerland.

**Senate Joint Resolution No. 751** -- Memorials, Death - Kenneth Reed Duggan. by \*Swann.

### **OBJECTION--CONSENT CALENDAR**

Objections were filed to the following on the Consent Calendar:

**House Bill No. 2428:** by Rep. Williams

**House Bill No. 2448:** by Rep. Williams

Under the rules, House Bills Nos. 2428 and 2448 were placed at the heel of the calendar for March 29, 2018.

Rep. Ramsey moved that all members voting aye on House Resolution No. 263 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, M. Hill, T. Hill, Holt, Ragan, Reedy and Sherrell.

Rep. Smith moved that all members of the Knox County delegation be added as co-prime sponsors on Senate Joint Resolutions Nos. 735, 736, 737 and 741, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, M. Hill, T. Hill, Holt, Ragan, Reedy and Sherrell.

## MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Daniel moved that all members of the Shelby County delegation voting aye be added as co-prime sponsors on House Joint Resolution No. 983, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, M. Hill, T. Hill, Holt, Ragan, Reedy and Sherrell.

Rep. Staples moved that all members voting aye on House Joint Resolution No. 957 be added as co-prime sponsors with the Knox County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Butt, M. Hill, T. Hill, Holt, Ragan, Reedy and Sherrell.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	98
Noes.....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 98

A motion to reconsider was tabled.

### REGULAR CALENDAR

**House Bill No. 1847** -- Election Laws - As introduced, requires political communications through a social media platform to indicate the person, candidate, or political committee who paid for and, as applicable, authorized the communication. - Amends TCA Section 2-19-120. by \*Powell, \*Hardaway. (\*SB1635 by \*Yarbro)

Further consideration of House Bill No. 1847, previously considered on March 12, 2018, at which time it was reset for today's Calendar.

Rep. Powell moved that **House Bill No. 1847** be reset for the Regular Calendar on April 2, 2018, which motion prevailed.

**MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Bill No. 2362** -- Regional Authorities and Special Districts - As introduced, removes the requirement that each metropolitan planning organization's policy board ensures that the votes for any local government official be equally weighted and not based on population. - Amends TCA Section 64-8-301. by \*Wirgau, \*Lynn. (SB2425 by \*Haile, \*Dickerson)

Further consideration of House Bill No. 2362, previously considered on March 19, 2018, at which time it was reset for today's Calendar.

On motion, House Bill No. 2362 was made to conform with **Senate Bill No. 2425**; the Senate Bill was substituted for the House Bill.

Rep. Lynn moved that **Senate Bill No. 2425** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	7

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Travis, Turner, Van Huss, Vaughan, Weaver, White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 90

Representatives voting no were: Calfee, Lamberth, Powell, Rudd, Stewart, Towns, White D. -- 7

A motion to reconsider was tabled.

**\*House Bill No. 2323** -- Sexual Offenders - As introduced, allows a sexual offender whose victim was a minor to obtain sexual offender treatment in a location that is within 1,000 feet of a school, child care facility, public park, playground, recreation center, or public athletic field. - Amends TCA Title 40, Chapter 39, Part 2. by \*Goins. (SB2313 by \*Southerland)

Rep. Goins moved that **House Bill No. 2323** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C.,

**MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

A motion to reconsider was tabled.

**\*House Bill No. 2195** -- Local Government, General - As introduced, prohibits local governments from adopting or enforcing regulations that prohibit or restrict the display of a flag on a property owner's property except when necessary to promote public health and safety. - Amends TCA Title 5, Chapter 5; Title 6, Chapter 54 and Title 13, Chapter 7. by \*Goins, \*Littleton. (SB2117 by \*Niceley)

Rep. Goins moved that **House Bill No. 2195** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes.....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

A motion to reconsider was tabled.

**House Bill No. 2464** -- Firearms and Ammunition - As introduced, allows current or former members of the national guard and the military reserve forces to obtain handgun permit at age 18; makes consistent the effect that restoration of citizenship has upon the possession and purchase of firearms and the obtaining of a handgun carry permit. - Amends TCA Title 39, Chapter 17, Part 13. by \*Goins, \*Faison. (\*SB2316 by \*Southerland)

Rep. Goins moved that House Bill No. 2464 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2464 by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1301, is amended by deleting subdivision (3) and substituting instead the following:

(3) "Crime of violence" includes any degree of murder, voluntary manslaughter, aggravated rape, rape, rape of a child, especially aggravated rape of a child, aggravated sexual battery, especially aggravated robbery, aggravated robbery, burglary, aggravated burglary, especially aggravated burglary, aggravated assault, kidnapping, aggravated kidnapping, especially aggravated kidnapping, carjacking, trafficking for commercial sex act, especially aggravated sexual exploitation, felony child abuse, and aggravated child abuse;

SECTION 2. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subdivision (b)(1)(A) and substituting instead the following:

(A) Has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon; or

SECTION 3. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (j)(3) and substituting instead the following:

(3) The applicant, who was rendered infamous or deprived of the rights of citizenship by judgment of any state or federal court, has had the applicant's full rights of citizenship duly restored pursuant to procedures set forth within title 40, chapter 29, or other federal or state law; provided, however, that this subdivision (j)(3) shall not apply to any person who has been convicted of a felony crime of violence, an attempt to commit a felony crime of violence, a felony drug offense, or a felony offense involving use of a deadly weapon; or

SECTION 4. Tennessee Code Annotated, Section 39-17-1307, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1) A person commits an offense who possesses a handgun and has been convicted of a felony unless:

(A) The person has been pardoned for the offense;

(B) The felony conviction has been expunged; or

(C) The person's civil rights have been restored pursuant to title 40, chapter 29, and the restoration order does not specifically prohibit the person from possessing firearms.

SECTION 5. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting subdivision (b)(2) and substituting instead the following:

(2) The applicant is at least eighteen (18) years of age; and

(A)

(i) Is an honorably discharged or retired veteran of the United States armed forces; and

(ii) Includes with the application a certified copy of the applicant's certificate of release or discharge from active duty, department of defense form 214 (DD 214);

(B)

(i) Is an honorably discharged member of the army national guard, the army reserve, the navy reserve, the marine corps reserve, the air national guard, the air force reserve, or the coast guard reserve, who has successfully completed a basic training program; and

(ii) Includes with the application a certified copy of the applicant's honorable discharge certificate, department of defense form 256 (DD 256), or report of separation and record of service, NGB form 22, that indicates an honorable discharge characterization; or

(C)

(i) Is a member of the United States armed forces on active duty status or is a current member of the army national guard, the army reserve, the navy reserve, the marine corps reserve, the air national guard, the air force reserve, or the coast guard reserve, who has successfully completed a basic training program; and

(ii) Includes with the application a military identification card or such other document as the commissioner designates as sufficient proof that the applicant is an active duty member of the military or a current member of the national guard or United States military reserve, who has successfully completed a basic training program.

SECTION 6. Tennessee Code Annotated, Section 39-17-1352(a)(4), is amended by deleting the subdivision and substituting instead the following:

(4) Has been arrested for a felony crime of violence, an attempt to commit a felony crime of violence, a felony involving the use of a deadly weapon, or a felony drug offense;

SECTION 7. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.



**MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Goins moved that **House Bill No. 2464**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

Representatives present and not voting were: Beck -- 1

A motion to reconsider was tabled.

**House Bill No. 2697** -- Decatur County - Subject to local approval, abolishes the Decatur County Democratic Party Executive Committee. - Repeals Chapter 335 of the Private Acts of 1957; as amended. by \*McDaniel. (\*SB2731 by \*Gresham)

Rep. McDaniel moved that **House Bill No. 2697** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

Representatives present and not voting were: Camper, Gilmore -- 2

A motion to reconsider was tabled.

**MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Bill No. 2318** -- Public Funds and Financing - As introduced, authorizes commissioner of education and state treasurer, instead of the state board of education, to establish operational guidelines for the expenditure of the income from the special trust fund for education; makes other related revisions to the Volunteer Public Education Trust Fund Act of 1985. - Amends TCA Title 49, Chapter 3, Part 4. by \*Hawk. (\*SB2193 by \*Lundberg, \*Ketron)

On motion, House Bill No. 2318 was made to conform with **Senate Bill No. 2193**; the Senate Bill was substituted for the House Bill.

Rep. Hawk moved that Senate Bill No. 2193 be passed on third and final consideration.

Rep. H. Brooks moved that Education Administration & Planning Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hawk moved that **Senate Bill No. 2193** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 97

A motion to reconsider was tabled.

**\*House Bill No. 1671** -- Consumer Protection - As introduced, for purposes of the debt counseling services offered by a provider of debt-management services, expands definition of "certified counselor" to include individuals certified by a training program or certifying organization that is accepted by another state in which the provider is licensed; makes other related revisions to the Uniform Debt-Management Services Act. - Amends TCA Title 47, Chapter 18, Part 55. by \*Keisling. (SB2197 by \*Roberts, \*Johnson)

Rep. Keisling moved that House Bill No. 1671 be passed on third and final consideration.

Rep. Eldridge moved adoption of Consumer and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1671 by deleting all language after the enacting clause and substituting instead the following:

3575

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

**MONDAY, MARCH 26, 2018 – SIXTY-FOURTH LEGISLATIVE DAY UNOFFICIAL VERSION**

SECTION 1. Tennessee Code Annotated, Section 47-18-5506(8), is amended by deleting the subdivision and substituting instead the following:

(8) Evidence of accreditation or certification by an independent accrediting or certifying organization approved by the administrator;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Consumer and Human Resources Committee Amendment No. 1 was adopted.

Rep. Keisling moved that **House Bill No. 1671**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

A motion to reconsider was tabled.

**House Bill No. 2092** -- Sexual Offenses - As introduced, classifies the offense of continuous sexual abuse of a child as a violent sexual offense for purposes of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. - Amends TCA Section 39-13-518 and Title 40, Chapter 39, Part 2. by \*Curcio, \*Staples. (\*SB1944 by \*Bowling)

On motion, House Bill No. 2092 was made to conform with **Senate Bill No. 1944**; the Senate Bill was substituted for the House Bill.

Rep. Curcio moved that Senate Bill No. 1944 be passed on third and final consideration.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1944 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

3576

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 39-13-518, is amended by deleting subsection (g) and substituting instead the following:

(g) Notwithstanding any other law to the contrary, a person convicted of a violation of this section shall be punished by imprisonment and shall be sentenced from within the full range of punishment for the offense of which the defendant was convicted, regardless of the range for which the defendant would otherwise qualify.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

Rep. Curcio moved that **Senate Bill No. 1944**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 97

A motion to reconsider was tabled.

**\*House Bill No. 2093** -- Pensions and Retirement Benefits - As introduced, prohibits the trustees of any defined contribution plan or related investment vehicle established as a health benefit by the state insurance company from investing in any cryptocurrency. - Amends TCA Title 8. by \*Curcio, \*Staples. (SB2508 by \*Ketron)

On motion, House Bill No. 2508 was made to conform with **Senate Bill No. 2508**; the Senate Bill was substituted for the House Bill.

Rep. Curcio moved that Senate Bill No. 2508 be passed on third and final consideration.

Rep. Sargent moved that Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved the previous question, which motion prevailed.

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Rep. Curcio moved that **Senate Bill No. 2508** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 1

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Wirgau, Zachary, Madame Speaker Harwell -- 96

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

**\*House Bill No. 2439** -- Landlord and Tenant - As introduced, specifies that tenant must provide written notice to landlord when changing an email address at which the tenant agrees to receive notice from the landlord. - Amends TCA Title 4, Chapter 21; Title 13, Chapter 20; Title 33; Title 39; Title 44, Chapter 17; Title 44, Chapter 8, Part 4 and Title 66. by \*Terry. (SB2556 by \*Hensley)

Rep. Terry moved that House Bill No. 2439 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2439 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-16-301(a), is amended by adding the following as a new subdivision:

(5) Pretends to have a disability-related need for an assistance animal in order to obtain an exception to a landlord's policy that prohibits pets or establishes limits on the types of pets that tenants may possess on residential rental property. As used in this subdivision (a)(5), "assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one (1) or more identified symptoms or effects of a person's disability.

SECTION 2. Tennessee Code Annotated, Section 66-7-109, is amended by adding the following as a new subsection:

A provision in a rental agreement that authorizes a landlord to hold a tenant in breach of the rental agreement based on the tenant's conviction for a violation of § 39-16-301(a)(5) is not unconscionable and is fully enforceable.

SECTION 3. Tennessee Code Annotated, Section 66-28-204, is amended by adding the following new subsection:

A provision in a rental agreement that authorizes a landlord to hold a tenant in breach of the rental agreement based on the tenant's conviction for a violation of § 39-16-301(a)(5) is not unconscionable and is fully enforceable.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to any rental agreement entered into or renewed on or after that date.

On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Terry moved that **House Bill No. 2439**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0

Representatives voting aye were: Beck, Boyd, Brooks H., Brooks K., Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

A motion to reconsider was tabled.

**\*House Bill No. 2281** -- Courts, Juvenile - As introduced, prohibits a juvenile court from imposing a fine or fee against a child and instead requires any fine or fee to be assessed against the child's parent or legal guardian. - Amends TCA Title 8 and Title 37. by \*Parkinson. (SB2309 by \*Harris)

**BILL HELD ON DESK**

Rep. Parkinson moved that House Bill No. 2281 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2059** -- Barbers and/or Cosmetologists - As introduced, deletes requirement that persons applying for licensure as a barber and cosmetology school instructor be licensed for continuous years; deletes high school education requirements for certification as a barber instructor, barber instructor assistant, barber technician, and master barber; deletes same education requirements for licensure as a cosmetology instructor. - Amends TCA Title 62, Chapter 3 and Title 62, Chapter 4. by \*Parkinson, \*Staples. (SB2293 by \*Bell)

Rep. Parkinson moved that **House Bill No. 2059** be reset for the next available Regular Calendar, which motion prevailed.

**\*House Bill No. 1738** -- Education, Higher - As introduced, identifies when a member of a governing board has a conflict of interest involving a state institution of higher education governed by the board; prohibits a governing board member from accepting or soliciting anything of value in excess of \$250 from an institution governed by the board; prohibits certain persons from serving as a governing board member. - Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. by \*Daniel. (SB1754 by \*Gardenhire, \*Gresham)

Rep. Daniel moved that House Bill No. 1738 be passed on third and final consideration.

Rep. H. Brooks moved adoption of Education Administration & Planning Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1738 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-8-203, is amended by deleting subsection (g).

SECTION 2. Tennessee Code Annotated, Section 49-9-207, is amended by deleting the section.

SECTION 3. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) As used in this section, unless the context otherwise requires:

(1) "Governing board" includes the board of trustees of the University of Tennessee, the board of regents of the state university and community college system, a local governing board of trustees of a state university, and the governing board of the Tennessee Foreign Language Institute;

(2) "Immediate family member" means a spouse, parent, grandparent, sibling, child, or grandchild. "Immediate family member" also includes a family member who is adopted, of half-blood, or a step member; and

(3) "State institution of higher education" means any public postsecondary institution operated by a governing board that offers courses of instruction leading to a certificate or degree.

(b) Governing board members are prohibited from having a financial or beneficial interest in any contract or transaction entered into with any state institution of higher education governed by the board. A governing board member is presumed to have a financial or beneficial interest when the member, after appointment to the governing board:

(1) Enters into a contract or transaction with any state institution of higher education governed by the board or when a member of the governing board member's immediate family enters into, or is a party to, a contract or transaction with any state institution of higher education governed by the board. Tuition payments, scholarships, and philanthropic gifts to a state institution of higher education do not constitute a prohibited financial contract or transaction;

(2) Has direct or indirect ownership of five percent (5%) or more in an entity that enters into a contract or transaction with any state institution of higher education governed by the board, other than passive ownership of less than a controlling interest in publicly traded companies; or

(3) Has a position of actual or apparent authority in, or a fiduciary relationship with, an entity that enters into a contract or transaction with any state institution of higher education governed by the board, including, but not limited to, a position as an officer, director, partner, or trustee.

(c) A governing board member shall not accept or solicit from any state institution of higher education governed by the board anything of value, tangible or intangible, in excess of five hundred dollars (\$500) per calendar year, except for complimentary or discounted admission to a university or college event and state-authorized reimbursement for travel expenses and other expenses incurred in connection with the performance of the governing board member's duties. The amount of this limitation shall be adjusted annually on December 31 in accordance with changes in the consumer price index.

(d)

(1) Appointments to a governing board occurring on or after July 1, 2018, for a full term or to fill a vacancy, are subject to the requirements of this subsection (d).



(2) A person shall not serve as a governing board member if an immediate family member is employed by any state institution of higher education governed by the board in an administrative, staff, or faculty position.

(3) The following persons shall not serve as a governing board member:

(A) Employees of any state institution of higher education governed by the board;

(B) Employees of the state or of any agency, department, or other entity of the state;

(C) Members of any state commission or board established pursuant to state law that is engaged in the making of rules or policies;

(D) Any person serving as an elected federal or state official or an elected county or municipal official in this state; and

(E) Lobbyists, as defined in § 3-6-301.

(4) Except for subdivision (d)(3)(E), this subsection (d) does not apply to the ex officio members of a governing board or to the faculty and student members of a governing board.

(e) A governing board member who violates this section and who remains in violation after receiving notice from the chair of the governing board or the president of the university or college shall be removed from the governing board.

SECTION 4. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Education Administration & Planning Committee Amendment No. 1 was adopted.

Rep. Daniel moved that **House Bill No. 1738** be reset for the Regular Calendar on April 2, 2018, which motion prevailed.

**House Bill No. 1966** -- Administrative Procedure (UAPA) - As introduced, prohibits boards, commissions, and other multi-member governmental entities from promulgating rules or issuing other internal restrictions that infringe on an entity member's freedom of speech. - Amends TCA Title 4, Chapter 29, Part 1. by \*Daniel. (\*SB1929 by \*Jackson)

Rep. Daniel moved that House Bill No. 1966 be passed on third and final consideration.

Rep. Faison moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1966 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 29, Part 1, is amended by adding the following as a new section:

(a) No board, commission, council, committee, authority, task force, or other similar multi-member governmental entity created by statute and subject to review under this part shall promulgate rules, issue statements concerning only the internal management of state government, or issue intra-agency memoranda as described in § 4-5-102(12), that infringe on an entity member's freedom of speech in violation of the Constitution of Tennessee, Article 1, §19 or the First Amendment of the United States Constitution. As used in this subsection, "freedom of speech" includes, but is not limited to, a governmental entity member's freedom to express an opinion concerning any matter relating to that governmental entity, excluding matters deemed to be confidential under § 10-7-504.

(b) Upon a determination by a joint evaluation committee created under § 4-29-103 that reasonable cause exists to believe a governmental entity has infringed on a member's freedom of speech as described in subsection (a), that entity shall be reviewed by that evaluation committee during the next legislative session following the determination. The evaluation committee may make recommendations for legislation to the general assembly concerning the entity's sunset status and rulemaking authority, and the termination of state funding to the entity.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. T. Hill moved the previous question, which motion prevailed.

Rep. Daniel moved that **House Bill No. 1966**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes.....	7
Present and not voting.....	3

Representatives voting aye were: Beck, Boyd, Brooks H., Brooks K., Butt, Byrd, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Fitzhugh, Forgety, Gant, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Kane,

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Kumar, Lamberth, Littleton, Lollar, Lynn, Matheny, Matlock, McCormick, McDaniel, Mitchell, Moody, Moon, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Turner, Van Huss, Vaughan, Weaver, White D., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 82

Representatives voting no were: Calfee, Favors, Keisling, Marsh, Miller, Parkinson, Travis -- 7

Representatives present and not voting were: Akbari, Sargent, White M. -- 3

A motion to reconsider was tabled.

**\*House Joint Resolution No. 730** -- Memorials, Congress - Supports states' primacy in legalizing and regulating medical cannabis. by \*Powell.

Rep. Powell moved adoption of House Joint Resolution No. 730.

Rep. Lamberth moved adoption of Criminal Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 730 by deleting all language following the caption and substituting instead the following:

WHEREAS, the battle over legal medical cannabis represents a monumental moment for states' rights; and

WHEREAS, the use of cannabis for medical purposes has been legalized in twenty-nine states and the District of Columbia, while seventeen states have more restrictive laws; Tennessee permits the use of cannabidiol oil in the treatment of intractable seizures or epilepsy; and

WHEREAS, the medicinal use of cannabis is a concept that spans tens of thousands of years and many cultures, both ancient and modern; and

WHEREAS, medical research indicates that cannabis can alleviate chronic pain and muscle spasms, reduce nausea and vomiting in chemotherapy patients, and improve appetite in HIV/AIDS patients; and

WHEREAS, initially enacted as part of a Congressional omnibus spending bill in 2014, the Rohrabacher-Blumenauer Amendment prohibits the U.S. Department of Justice from utilizing funds to interfere with the implementation of state medical cannabis laws; and

WHEREAS, while the Rohrabacher-Blumenauer Amendment provides a safe harbor for states that have approved medical cannabis, it does not change the legal

status of cannabis as a Schedule I drug under federal law and must be renewed each year to remain in effect, and is thus a stop-gap measure at best; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that it is the sense of this General Assembly that the several states should retain primacy in determining the legalization and regulation of medical cannabis and medical cannabis products within their respective jurisdictions.

BE IT FURTHER RESOLVED, that we urge and encourage the United States Congress to enact a statute prohibiting the federal government from interfering with the implementation of states' medical cannabis laws.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to each member of Tennessee's Congressional delegation.

On motion, Criminal Justice Committee Amendment No. 1 was adopted.

#### BILL RE-REFERRED

Rep. Holt moved that **House Joint Resolution No. 730** be re-referred to the State Government Committee and then to the Health Committee, which motion prevailed by the following vote:

Ayes .....	56
Noes.....	32
Present and not voting.....	2

Representatives voting aye were: Boyd, Brooks K., Butt, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, Doss, Dunn, Eldridge, Farmer, Forgety, Gant, Gravitt, Halford, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Keisling, Kumar, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, Moody, Moon, Ragan, Reedy, Rogers, Rudd, Sargent, Sexton C., Sexton J., Sherrell, Tillis, Travis, Vaughan, Weaver, White M., Whitson, Williams, Wirgau, Zachary -- 56

Representatives voting no were: Akbari, Beck, Brooks H., Calfee, Camper, Clemmons, Cooper, DeBerry, Faison, Favors, Fitzhugh, Gilmore, Hardaway, Hazlewood, Jernigan, Jones, Love, Miller, Mitchell, Parkinson, Pitts, Powell, Shaw, Smith, Staples, Stewart, Terry, Thompson, Towns, Turner, Van Huss, Windle -- 32

Representatives present and not voting were: Byrd, Lamberth -- 2

A motion to reconsider was tabled.

#### EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Whitson

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2178** -- Utilities, Utility Districts - As introduced, clarifies that for the audited financial reports of certain self-sufficient utilities, non-cash charges arising from changes to or the implementation of pension and other post-employment benefit standards promulgated by the GASB are excluded when determining a change in net position. - Amends TCA Section 7-82-401 and Section 68-221-1010. by \*Hazlewood. (\*SB1924 by \*Lundberg)

On motion, House Bill No. 2178 was made to conform with **Senate Bill No. 1924**; the Senate Bill was substituted for the House Bill.

Rep. Hazlewood moved that **Senate Bill No. 1924** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gant, Gilmore, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 91

A motion to reconsider was tabled.

**House Bill No. 2180** -- Public Health - As introduced, clarifies that a park does not include a greenway for purposes of the prohibition that no hypodermic syringe exchange program may be operated within 2,000 feet of a park; declares that in the event a greenway traverses a park, the greenway shall be considered a portion of that park for purposes of such prohibition. - Amends TCA Title 68. by \*Hazlewood. (\*SB1977 by \*Dickerson, \*Yarbro)

On motion, House Bill No. 2180 was made to conform with **Senate Bill No. 1977**; the Senate Bill was substituted for the House Bill.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hazlewood moved that **Senate Bill No. 1977** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 83

Noes..... 11

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Howell, Jernigan, Johnson, Jones, Kumar, Lamberth, Littleton, Lollar, Love, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, White D., White M., Williams, Wirgau, Madame Speaker Harwell -- 83

Representatives voting no were: Butt, Crawford, Holt, Hulsey, Keisling, Lynn, Rogers, Rudd, Weaver, Windle, Zachary -- 11

A motion to reconsider was tabled.

**\*House Joint Resolution No. 708** -- General Assembly, Confirmation of Appointment - Lang Wiseman, State Board of Education. by \*Lollar.

On motion, **Senate Joint Resolution No. 535** was substituted for House Joint Resolution No. 708.

Rep. Lollar moved to concur in **Senate Joint Resolution No. 535**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

A motion to reconsider was tabled.

**\*House Bill No. 1888** -- Schools, Charter - As introduced, authorizes the comptroller of the treasury to audit charter management organizations (CMOs); requires all CMOs operating a charter school in this state to file an annual financial report with the comptroller of the treasury no later than August 31 of each year. - Amends TCA Title 49. by \*Lollar. (SB2158 by \*Bell)

Rep. Lollar moved that House Bill No. 1888 be passed on third and final consideration.

Rep. Forgety moved adoption of Education Instruction & Programs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1888 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-127(a), is amended by designating the existing language as subdivision (a)(1) and adding the following as a new subdivision (2):

(2)

(A) The comptroller of the treasury is authorized to audit all financial transactions of a CMO for any charter school created under this chapter and by virtue of the statutes of this state when the audit is deemed necessary or appropriate by the comptroller of the treasury. The comptroller of the treasury may appoint a certified public accountant or direct the department of audit to prepare the audit. The cost of the audit shall be paid by the CMO. The comptroller of the treasury shall have the full cooperation of officials of the CMO in the performance of the audit or audits.

(B) All CMOs operating a charter school in this state shall file an annual financial report with the comptroller of the treasury detailing transactions between the CMO and any charter school operated by the CMO in this state. The report shall be:

(i) For the fiscal year ending June 30;

(ii) Filed in a form prescribed by the comptroller of the treasury; and

(iii) Filed by the CMO with the comptroller of the treasury no later than August 31 of each year.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Instruction & Programs Committee Amendment No. 1 was adopted.

Rep. Lollar moved that **House Bill No. 1888**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 91

A motion to reconsider was tabled.

**House Bill No. 2606** -- Child Abuse - As introduced, requires the department of children's services to develop instructional guidelines for child safety training programs for members of professions that frequently deal with children who may be at risk of abuse; requires certain licensing boards to create child safety training programs; requires certain professionals to complete the appropriate child safety training program prior to license renewal. - Amends TCA Title 37, Chapter 1, Part 4; Title 49, Chapter 5, Part 1; Title 63, Chapter 23; Title 63, Chapter 6, Part 2; Title 63, Chapter 7, Part 1 and Title 63, Chapter 9. by \*Hardaway, \*Ramsey, \*Staples, \*Love, \*Jernigan. (\*SB2405 by \*Kyle)

Rep. Hardaway moved that House Bill No. 2606 be passed on third and final consideration.

Rep. C. Sexton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

### **Amendment No. 2**

AMEND House Bill No. 2606 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, is amended by adding the following as a new, appropriately designated section:

By January 1, 2019, the department shall develop instructional guidelines for child safety training programs for members of professions that frequently deal with children who may be at risk of abuse, which programs include the common signs of child abuse, human trafficking when a child is the victim, and child sexual abuse; how to identify children at risk of abuse, human trafficking, or sexual abuse; and the reporting requirements of this part. The department shall work with each licensing board to ensure that any child safety training program created by a licensing board fully and accurately reflects the best practices for identifying and reporting child abuse, human trafficking when a child is the victim, and child sexual abuse as appropriate for each profession.



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SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Hardaway moved that **House Bill No. 2606**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	78
Noes.....	14
Present and not voting.....	2

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Halford, Hardaway, Hawk, Hicks, Hill M., Hill T., Holsclaw, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Littleton, Lollar, Love, Lynn, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ramsey, Rogers, Sanderson, Sargent, Sexton C., Shaw, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, White M., Williams, Windle, Wirgau, Madame Speaker Harwell -- 78

Representatives voting no were: Crawford, Curcio, Gant, Hazlewood, Holt, Howell, Lamberth, Marsh, McCormick, Reedy, Sexton J., Sherrell, White D., Zachary -- 14

Representatives present and not voting were: Ragan, Rudd -- 2

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Rep. Whitson was recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1968** -- Education - As introduced, requires the commissioner of education to notify LEAs when the office of research and education accountability publishes a report germane to K-12 education. - Amends TCA Title 49. by \*Rudd. (\*SB1618 by \*Gresham)

Rep. Rudd moved that House Bill No. 1968 be passed on third and final consideration.

Rep. H. Brooks moved adoption of Education Administration & Planning Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1968 by deleting all language after the enacting clause and substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 49-1-104(g), is amended by deleting subdivision (3) that reads as follows:

(3) The committee shall submit recommendations to the speakers of the senate and the house of representatives, the chair of the education committee of the senate, the chair of the education administration and planning committee of the house of representatives and the basic education program (BEP) review committee no later than December 1, 2015, and triennially thereafter as long as the pilot initiative continues in existence.

SECTION 2. Tennessee Code Annotated, Section 49-1-107(c), is amended by deleting the third sentence of the subsection.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c)(23), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c)(25), is amended by deleting the subdivision.

SECTION 5. Tennessee Code Annotated, Section 49-1-201(c)(26), is amended by deleting the subdivision.

SECTION 6. Tennessee Code Annotated, Section 49-1-201(c)(29), is amended by deleting the subdivision.

SECTION 7. Tennessee Code Annotated, Section 49-1-208, is amended by deleting the section.

SECTION 8. Tennessee Code Annotated, Section 49-1-217, is amended by deleting the section.

SECTION 9. Tennessee Code Annotated, Section 49-1-221(a)(1), is amended by deleting the first sentence in the subsection and substituting instead:

(1) Each LEA shall adopt an internet acceptable use policy.

SECTION 10. Tennessee Code Annotated, Section 49-1-221, is amended by deleting subsections (c) through (g).

SECTION 11. Tennessee Code Annotated, Section 49-1-222, is amended by deleting the section.

SECTION 12. Tennessee Code Annotated, Section 49-1-224(d), is amended by deleting the subsection.

SECTION 13. Tennessee Code Annotated, Section 49-1-225, is amended by deleting the section.

SECTION 14. Tennessee Code Annotated, Section 49-1-226(a), is amended by deleting the subsection.

SECTION 15. Tennessee Code Annotated, Section 49-1-226(b), is amended by deleting the subsection.

SECTION 16. Tennessee Code Annotated, Section 49-1-302(a)(16), is amended by deleting the subdivision.

SECTION 17. Tennessee Code Annotated, Section 49-1-302(a)(19), is amended by deleting the subdivision.

SECTION 18. Tennessee Code Annotated, Section 49-1-302(h), is amended by deleting the subsection.

SECTION 19. Tennessee Code Annotated, Section 49-1-302(k), is amended by deleting the subsection.

SECTION 20. Tennessee Code Annotated, Section 49-1-302(m), is amended by deleting the subsection.

SECTION 21. Tennessee Code Annotated, Section 49-1-307, is amended by deleting the section.

SECTION 22. Tennessee Code Annotated, Section 49-1-308, is amended by deleting the section.

SECTION 23. Tennessee Code Annotated, Section 49, Chapter 1, Part 5, is amended by deleting the part.

SECTION 24. Tennessee Code Annotated, Section 49-1-616, is amended by deleting the section.

SECTION 25. Tennessee Code Annotated, Title 49, Chapter 1, Part 8, is amended by deleting the part.

SECTION 26. Tennessee Code Annotated, Section 49-2-118(b), is amended by deleting the subsection.

SECTION 27. Tennessee Code Annotated, Section 49-2-1304(i)(4), is amended by deleting the subdivision.

SECTION 28. Tennessee Code Annotated, Section 49-3-310(1)(A), is amended by deleting the last sentence of the subdivision.

SECTION 29. Tennessee Code Annotated, Section 49-3-368(c), is amended by deleting the subsection.

SECTION 30. Tennessee Code Annotated, Section 49-5-101(h)(2), is amended by deleting the subdivision.

SECTION 31. Tennessee Code Annotated, Section 49-6-703, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 49-6-1003(c), is amended by deleting the subsection.

SECTION 33. Tennessee Code Annotated, Section 49-6-1006(b), is amended by deleting the subsection.

SECTION 34. Tennessee Code Annotated, Section 49-6-1006(c), is amended by deleting the subsection.

SECTION 35. Tennessee Code Annotated, Section 49-6-1007(d), is amended by deleting the subsection.

SECTION 36. Tennessee Code Annotated, Section 49-6-1012, is amended by deleting the section.

SECTION 37. Tennessee Code Annotated, Section 49-6-1023, is amended by deleting the section.

SECTION 38. Tennessee Code Annotated, Section 49-6-1027, is amended by deleting the section.

SECTION 39. Tennessee Code Annotated, Section 49-6-2202(f), is amended by deleting the subsection.

SECTION 40. Tennessee Code Annotated, Section 49-6-2304(c), is amended by deleting the subsection.

SECTION 41. Tennessee Code Annotated, Section 49-6-3110(b), is amended by deleting the subsection.

SECTION 42. Tennessee Code Annotated, Section 49-6-3110(e), is amended by deleting the subsection.

SECTION 43. Tennessee Code Annotated, Title 49, Chapter 6, Part 35, is amended by deleting the part.

SECTION 44. Tennessee Code Annotated, Section 49-6-6001(e), is amended by deleting the subsection.

SECTION 45. Tennessee Code Annotated, Section 49-6-6001(f), is amended by deleting the subsection.

SECTION 46. Tennessee Code Annotated, Section 49-6-7004(e), is amended by deleting the subsection.

SECTION 47. Tennessee Code Annotated, Section 49-6-7006, is amended by deleting the section.

SECTION 48. Tennessee Code Annotated, Section 49-10-112, is amended by deleting the section.

SECTION 49. Tennessee Code Annotated, Section 49-10-804, is amended by deleting the section.

SECTION 50. Tennessee Code Annotated, Section 49-10-805, is amended by deleting the section.

SECTION 51. Tennessee Code Annotated, Section 49-10-806, is amended by deleting the section.

SECTION 52. Tennessee Code Annotated, Section 49-10-807, is amended by deleting the section.

SECTION 53. Tennessee Code Annotated, Section 49-10-808, is amended by deleting the section.

SECTION 54. Tennessee Code Annotated, Section 49-10-809, is amended by deleting the section.

SECTION 55. Tennessee Code Annotated, Section 49-10-1104, is amended by deleting the section.

SECTION 56. Tennessee Code Annotated, Title 49, Chapter 10, Part 12, is amended by deleting the part.

SECTION 57. Tennessee Code Annotated, Section 49-13-129, is amended by deleting the section.

SECTION 58. Tennessee Code Annotated, Section 49-13-133, is amended by deleting the last sentence of the section.

SECTION 59. Tennessee Code Annotated, Section 49-15-108(b), is amended by deleting the subsection.

SECTION 60. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Administration & Planning Committee Amendment No. 1 was adopted.

Rep. Rudd moved that **House Bill No. 1968** be reset for the Regular Calendar on April 2, 2018, which motion prevailed.

**\*House Bill No. 2080** -- Professions and Occupations - As introduced, creates a voluntary certification process for persons who obtain at least 50 hours of training and pass an exam in order to use the title "certified animal massage therapist"; noncertified persons can perform animal massage therapy but cannot use the title; anyone who practices animal massage therapy must post a \$25,000 bond. - Amends TCA Title 63, Chapter 12. by \*Howell. (SB2466 by \*Roberts)

Rep. Howell moved that House Bill No. 2080 be passed on third and final consideration.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2080 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-12-133, is amended by deleting subsection (d) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 12, is amended by adding Sections 3 through 6 as a new part.

SECTION 3. As used in this part:

(1) "Animal massage therapy" means the manipulation of the soft tissues of the animal body with the intention of positively affecting the health and well-being of the animal. "Animal massage therapy" does not include the diagnosis, treatment, correction, alleviation, or prevention of any animal disease, illness, pain, deformity, defect, injury, or other physical or mental condition, or otherwise constitute the practice of veterinary medicine;

(2) "Certified animal massage therapist" means a person who qualifies for, and voluntarily obtains, certification under this part; and

(3) "Registered animal massage therapist" means a person who qualifies for, and voluntarily obtains, certification under this part.

SECTION 4.

(a) No person shall use the title "certified animal massage therapist" or "registered animal massage therapist" unless the person meets the requirements of this part.

(b) This part shall not prohibit any person from rendering or offering to render animal massage therapy services; provided, that a person who is not

certified or registered under this part shall not use, or knowingly allow themselves to be identified by, the title "certified animal massage therapist" or "registered animal massage therapist".

(c) Persons who hold themselves out as certified animal massage therapists or registered animal massage therapists without complying with Section 5 of this act are in violation of the Tennessee Consumer Protection Act, compiled in title 47, chapter 18, part 1.

SECTION 5. In order to use the term "certified animal massage therapist" or "registered animal massage therapist", a person must:

(1) Complete at least fifty (50) hours of training in anatomy and physiology, kinesiology, and pathologies in order to gain aptitude in preventing the delay of care to animals;

(2) Complete at least fifty (50) hours of supervised in-class hands-on work, which would include assessment and execution of bodywork skills being studied, benefits of massage, benefits of acupuncture, and practice guidelines;

(3) Take and pass an examination by the National Board of Certification for Animal Acupuncture and Massage or a comparable examination that tests the aptitude in the course of training described in subdivisions (1) and (2); and

(4) Post a surety bond under Section 6 of this act.

SECTION 6. A person practicing animal massage therapy shall obtain a surety bond in the amount of twenty-five thousand dollars (\$25,000) for the benefit of any person who is damaged because of the negligence of the person in the performance of animal massage therapy services. Any person so damaged may sue directly on the bond without assignment of the bond. The liability of the surety under any bond may not exceed in the aggregate the amount of the bond.

SECTION 7. This act shall take effect at 12:01 a.m. on July 1, 2018, the public welfare requiring it.

On motion, Agriculture and Natural Resources Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 2080 by deleting Section 6 and substituting instead the following:

SECTION 6. A person practicing animal massage therapy shall obtain liability insurance in the amount of twenty-five thousand dollars (\$25,000) for the benefit of any

person who is damaged because of the negligence of the person in the performance of animal massage therapy services.

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Hazlewood moved the previous question, which motion prevailed.

Rep. Howell moved that **House Bill No. 2080**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	75
Noes.....	11
Present and not voting.....	1

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Calfee, Camper, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Forgety, Gant, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, Moody, Moon, Pitts, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Staples, Terry, Thompson, Tillis, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary -- 75

Representatives voting no were: Clemmons, Favors, Goins, Hardaway, Miller, Mitchell, Parkinson, Powell, Stewart, Towns, Turner -- 11

Representatives present and not voting were: Travis -- 1

A motion to reconsider was tabled.

**House Bill No. 2199** -- Courts, General Sessions - As introduced, authorizes general sessions courts to permit filing, signing, and verifying documents electronically in the manner authorized by Tennessee Rules of Civil Procedure, Rule 5B. - Amends TCA Title 16, Chapter 15, Part 7. by \*Beck, \*Farmer, \*Carter, \*Moody. (\*SB1789 by \*Yarbro, \*Dickerson, \*Lundberg, \*Swann, \*Stevens, \*Kelsey, \*Bowling)

On motion, House Bill No. 2199 was made to conform with **Senate Bill No. 1789**; the Senate Bill was substituted for the House Bill.

Rep. Beck moved that Senate Bill No. 1789 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1789 by deleting all language after the enacting clause and substituting the following language:



SECTION 1. Tennessee Code Annotated, Title 16, Chapter 15, Part 7, is amended by inserting the following as a new section:

Any court governed by this chapter may, by local rule, allow papers to be filed, signed, or verified by electronic means that comply with local rules. Pleadings and other papers filed electronically under such local rules shall be considered the same as written papers. Any cost to adopt and enable such electronic filing, signing, and verification shall be paid by the local jurisdiction.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Beck moved that **Senate Bill No. 1789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 96

A motion to reconsider was tabled.

### EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Sparks

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2304** -- Workers Compensation - As introduced, removes the termination date on the recovery of attorney fees and other costs against an employer in a workers' compensation action who wrongfully denies a claim by filing a timely notice of denial and then the workers' compensation judge subsequently makes a finding that such benefits were owed at an expedited hearing or compensation hearing. - Amends TCA Section 50-6-102 and Section 50-6-226. by \*Beck. (SB2475 by \*Roberts)

3598

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Rep. Beck moved that House Bill No. 2304 be passed on third and final consideration.

Rep. Eldridge moved adoption of Consumer and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2304 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-226(d)(1), is amended by deleting the language:

In addition to attorneys' fees provided for in this section, the court of workers' compensation claims may award reasonable attorneys' fees and reasonable costs, including reasonable and necessary court reporter expenses and expert witness fees, for depositions and trials incurred when the employer:

and substituting instead the language:

In addition to attorneys' fees provided for in this section, the court of workers' compensation claims may award reasonable attorneys' fees and reasonable costs, including, but not limited to, reasonable and necessary court reporter expenses and expert witness fees for depositions and trials, incurred when the employer:

SECTION 2. Tennessee Code Annotated, Section 50-6-226(d)(1)(B), is amended by deleting the subdivision and substituting instead the following:

Wrongfully denies a claim or wrongfully fails to timely initiate any of the benefits to which the employee or dependent is entitled under this chapter, including medical benefits under § 50-6-204, temporary or permanent disability benefits under § 50-6-207, or death benefits under § 50-6-210 if the workers' compensation judge makes a finding that the benefits were owed at an expedited hearing or compensation hearing. For purposes of this subdivision (d)(1)(B), "wrongfully" means erroneous, incorrect, or otherwise inconsistent with the law or facts.

SECTION 3. Tennessee Code Annotated, Section 50-6-226(d)(2), is amended by deleting the language "2018" and substituting instead the language "2020".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to injuries occurring on or after that date.

On motion, Consumer and Human Resources Committee Amendment No. 1 was adopted.

Rep. Beck moved that **House Bill No. 2304**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	2
Present and not voting.....	1

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Love, Lynn, Marsh, Matheny, Matlock, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Shaw, Sherrell, Smith, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 91

Representatives voting no were: Hulse, Sexton J. -- 2

Representatives present and not voting were: McCormick -- 1

A motion to reconsider was tabled.

**House Bill No. 2524** -- Business and Commerce - As introduced, authorizes the secretary of state to provide for the electronic submission of documents filed with the secretary by limited liability companies. - Amends TCA Title 48, Chapter 249. by \*Beck. (\*SB2435 by \*Yarbro)

Rep. Beck moved that House Bill No. 2524 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 2524 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-249-309, is amended by adding the following as a new subsection:

(j) Notwithstanding any provision of this chapter to the contrary, a series of an LLC may, in its own name:

(1) Contract;

(2) Hold title to assets, including real, personal, and intangible property;

(3) Grant liens and security interests; and

(4) Sue and be sued.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Beck moved that **House Bill No. 2524**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carter, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

A motion to reconsider was tabled.

## EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Faison

## REGULAR CALENDAR, CONTINUED

**\*House Bill No. 2279** -- Telecommunications - As introduced, enacts the "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018". - Amends TCA Title 13. by \*Lamberth, \*Sargent, \*Casada, \*Marsh, \*Holsclaw, \*Wirgau, \*Hawk, \*Hazlewood, \*Johnson,

\*Calfee, \*Crawford, \*Hill T, \*Towns, \*Hardaway, \*Gilmore, \*Powell, \*Beck, \*Tillis, \*Sparks, \*Jernigan, \*Carr, \*Byrd, \*Love, \*Mitchell, \*Powers, \*Zachary, \*Sexton C, \*Miller, \*Eldridge, \*Coley, \*Hill M, \*Ramsey, \*Williams, \*Favors, \*Reedy, \*Kumar, \*White D, \*Thompson, \*Brooks K, \*Whitson, \*Matheny. (SB2504 by \*Ketrone, \*Johnson, \*Gresham, \*Lundberg, \*Green, \*Yager, \*Niceley, \*Swann, \*Tate)

Rep. Lamberth moved that House Bill No. 2279 be passed on third and final consideration.

Rep. Marsh moved adoption of Business and Utilities Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2279 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 24, is amended by adding the following new part:

**13-24-401. Short title.**

This part shall be known and may be cited as the "Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018."

**13-24-402. Part definitions.**

As used in this part:

(1) "Aesthetic plan" means any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the authority or designated area within the authority. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after adoption of the aesthetic plan. For purposes of this part, such a limitation is not discriminatory as long as all construction or deployment occurring after adoption, regardless of the entity constructing or deploying, is subject to the aesthetic plan;

(2) "Applicant" means any person who submits an application pursuant to this part;

(3) "Application" means a request submitted by an applicant to an authority:

(A) For a permit to deploy or colocate small wireless facilities in the ROW; or

(B) To approve the installation or modification of a PSS associated with deployment or colocation of small wireless facilities in the ROW;

3602

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(4)

(A) "Authority" means:

(i) Within a municipal boundary, the municipality, regardless of whether such municipality is a metropolitan government;

(ii) Within a county and outside a municipal boundary, the county; or

(iii) Upon state-owned property, the state;

(B) "Authority" does not include a government-owned electric, gas, water, or wastewater utility that is a division of, or affiliated with, a municipality, metropolitan government, or county for any purpose of this part, and the decision of the utility regarding a request to attach to or modify the plant, facilities, or equipment owned by the utility shall not be governed by this part;

(5) "Authority-owned PSS" means a PSS owned by an authority but does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively-owned, or government-owned;

(6) "Colocate," "colocating", and "colocation" mean, in their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace wireless facilities on, adjacent to, or related to a PSS. "Colocation" does not include the installation of a new PSS or replacement of authority-owned PSS;

(7) "Communications facility" means the set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service;

(8) "Communications service" means cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service;

(9) "Communications service provider" means a cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 153(51), a provider of information service as defined in 47 U.S.C. § 153(24), a video service provider as defined in § 7-59-303, or a wireless provider;

(10) "Fee" means a one-time, nonrecurring charge;

(11) "Historic district" means a property or area zoned as a historic district or zone pursuant to § 13-7-404;

(12) "Local authority" means an authority that is either a municipality, regardless of whether the municipality is a metropolitan government, or a county, and does not include an authority that is the state;

(13) "Micro wireless facility" means a small wireless facility that:

(A) Does not exceed twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height; and

(B) The exterior antenna, if any, does not exceed eleven inches (11") in length;

(14) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority;

(15) "Potential support structure for a small wireless facility" or "PSS" means a pole or other structure that is or could be used in whole or in part to support infrastructure or network components that deliver communications and includes structures used for electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part;

(16) "Rate" means a recurring charge;

(17) "Residential neighborhood" means an area within a local authority's geographic boundary that is zoned or otherwise designated by the local authority for general purposes as an area primarily used for single-family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas;

(18) "Right-of-way" or "ROW" means the space, in, upon, above, along, across, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the authority, and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority, but excluding lands other than streets that are owned by the authority;

(19)

(A) "Small wireless facility" means a wireless facility with:

(i) An antenna that could fit within an enclosure of no more than six (6) cubic feet in volume; and

(ii) Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. For purposes of this subdivision (17)(A)(ii), "other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and

(B) "Small wireless facility" includes a micro wireless facility;

(20) "Wireline backhaul facility" means a communications facility used to transport communications services by wire from a wireless facility to a network;

(21)

(A) "Wireless facility" means equipment at a fixed location that enables wireless services between user equipment and a communications network, including:

(i) Equipment associated with wireless services; and

(ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration;

(B) "Wireless facility" does not include:

(i) The structure or improvements on, under, or within which the equipment is colocated; or

(ii) Coaxial or fiber-optic cable that is between a PSS and other PSSs, including wireline backhaul or communications facilities that otherwise are not immediately adjacent to or directly associated with a particular antenna; and



(C) "Wireless facility" includes small wireless facilities;

(22) "Wireless provider" means a person who provides wireless service; and

(23) "Wireless services" means any service using licensed or unlicensed spectrum, including the use of WiFi, whether at a fixed location or mobile, provided to the public.

**13-24-403. Construction and applicability of part.**

(a) This part shall be construed to maximize investment in wireless connectivity across the state by creating a uniform and predictable framework that limits local obstacles to deployment of small wireless facilities in the ROW and to encourage, where feasible, shared use of public infrastructure and colocation in a manner that is the most technology neutral and nondiscriminatory.

(b) This part does not apply to:

(1) Deployment of infrastructure outside of the ROW; or

(2) Taller towers or monopoles traditionally used to provide wireless services that are governed by §§ 13-24-304 and 13-24-305.

**13-24-404. Local option and local preemption.**

(a) Nothing in this part requires any local authority to promulgate any limits, permitting requirements, zoning requirements, approval policies, or any process to obtain permission to deploy small wireless facilities. However, any local authority that promulgates limits, permitting requirements, zoning requirements, approval policies, or processes relative to deployment of small wireless facilities shall not impose limits, requirements, policies, or processes that are:

(1) More restrictive than requirements, policies, or processes set forth in this part;

(2) In excess of that which is granted by this part; or

(3) Otherwise in conflict with this part.

(b) Any local authority limits, requirements, policies, or processes that are more restrictive, in conflict with, or in excess of that which is granted by this part are void, regardless of the date on which the requirement, policy, or process was enacted or became law.

(c) For deployment or colocation of small wireless facilities in the ROW that is within the jurisdiction of a local authority that does not require an application and does not require work permits for deployment of infrastructure

within the ROW, an applicant shall provide notice of the deployment or colocation by providing the materials set forth in § 13-24-409(g) to the office of the county mayor and the county highway superintendent of the county in which the deployment or colocation is to take place.

**13-24-405. Existing law unaffected.**

This part does not:

(1) Create regulatory jurisdiction for any subdivision of the state regarding communications services that does not exist under applicable law, regardless of the technology used to deliver the services;

(2) Restrict access granted by § 65-21-201 or expand access authorized under § 54-16-112;

(3) Authorize the creation of local taxation in the form of ROW taxes, rates, or fees that exceed the cost-based fees authorized under existing law, except that the specific fees or rates established pursuant to this part do not exceed cost;

(4) Alter or exempt any entity from the franchising requirements for providing video services or cable services set forth in title 7, chapter 59;

(5) Apply to any segment of the statewide P25 interoperable communications system governed by § 4-3-2018;

(6) Alter the requirements or exempt any entity from the requirements to relocate facilities, including any PSS, small wireless facility, or other related infrastructure, to the same extent as any facility pursuant to title 54, chapter 5, part 8, or other similar generally applicable requirement imposed on entities who deploy infrastructure in ROW;

(7) Prohibit a local authority from the nondiscriminatory enforcement of breakaway sign post requirements and safety restrictions generally imposed for all structures within a ROW along highways with a speed limit of fifty-five miles per hour (55 mph) or more; to reduce the danger of injuries due to automobile accidents;

(8) Prohibit a local authority from the nondiscriminatory enforcement of vegetation control requirements that are imposed upon entities that deploy infrastructure in a ROW for the purpose of limiting the chances of damage or injury as a result of infrastructure that is obscured from view due to vegetation; or

(9) Prohibit a local authority from the nondiscriminatory enforcement of generally applicable local requirements or procedures regarding removal of unsafe obstructions in a ROW.

**13-24-406. Prohibited activities.**

An authority shall not:

(1) Enter into an exclusive arrangement with any person for use of a ROW for the construction, operation, marketing, or maintenance of small wireless facilities;

(2) Discriminate by prohibiting an applicant from making any type of installation that is generally permitted when performed by other entities entitled to deploy infrastructure in a ROW or by imposing any maintenance or repair obligations not generally applicable to all entities entitled to deploy infrastructure in a ROW;

(3) Impose discriminatory prohibitions against deploying a new PSS for small wireless facilities in a ROW. Only requirements imposed generally to other entities entitled to deploy infrastructure in a ROW may be applied to prohibit an applicant's deployment of a new PSS in a ROW; or

(4) Except as provided in this part or otherwise specifically authorized by state law, adopt or enforce any regulations or requirements on the placement or operation of communications facilities in a ROW by a communications service provider authorized by state or local law to operate in a ROW; regulate any communications services; or impose or collect any tax, fee, or charge for the provision of communications service over the communications service provider's communications facilities in a ROW.

**13-24-407. Uniform local authority fees for deployment of small wireless facilities; exceptions.**

(a) The following are the maximum fees and rates that may be charged to an applicant by a local authority for deployment of a small wireless facility:

(1) The maximum application fee is one hundred dollars (\$100) each for the first five (5) small wireless facilities and fifty dollars (\$50.00) each for additional small wireless facilities included in a single application. A local authority may also require an additional fee of two hundred dollars (\$200) on the first application an applicant files following the effective date of this act to offset the local authority's initial costs of preparing to comply with this part. Beginning on January 1, 2020, and at each five-year interval thereafter, the maximum application fees established in this section must increase in an amount of ten percent (10%), rounded to the nearest dollar; and

(2) The maximum annual rate for colocation of a small wireless facility on a local authority-owned PSS is one hundred dollars (\$100).

(b) In addition to the maximum fees and rates described in subsection (a), a local authority shall not require applicants:

(1) To pay fees or reimburse costs for the services or assistance provided to the authority by a consultant or third party retained by the authority relative to deployment of small wireless facilities; or

(2) To file additional applications or permits for regular maintenance, replacement of, or repairs made to an applicant's own facilities. In no event shall replacement of a PSS constitute regular maintenance.

(c) This section does not prohibit an authority from requiring generally applicable work or traffic permits, or from collecting the same applicable fees for such permits, for deployment of a small wireless facility or new PSS as long as the work or traffic permits are issued and associated fees are charged on the same basis as other construction activity in a ROW.

(d) This section does not prohibit an authority from retaining any consultant or third party when the fees and costs for the consultant or third party are paid by the authority, using the authority's own funds, rather than requiring applicants to reimburse or pay for the consultants or third parties.

(e)

(1) Except for the application fees, permit fees, and colocation rates set out in this section, no local authority shall require additional rates or fees of any kind, including, but not limited to, rental fees, access fees, or site license fees for the initial deployment or the continuing presence of a small wireless facility.

(2) No local authority shall require approval, or any applications, fees, or rates, for:

(A) Routine maintenance of a small wireless facility, which maintenance does not require the installation of a new PSS or the replacement of a PSS;

(B) The replacement of a small wireless facility with another small wireless facility that is the same size or smaller than the size conditions set out in the definition of "small wireless facility" in § 13-24-402; or

(C) The installation, placement, maintenance, operation, or replacement of a micro wireless facility that is suspended on cables that are strung between existing PSSs, in compliance with the National Electrical Safety Code as set out in § 68-101-104.

(3) No local authority shall require execution of any access agreement or site license agreement as a condition of deployment of a small wireless facility in a ROW.

(4) A local authority shall not directly or indirectly require an applicant to perform services for the authority or provide goods to the authority such as in-kind contributions to the authority, including, but not limited to, reserving fiber, conduit, or pole space for the authority in exchange for deployment of small wireless facilities. The prohibition in this subdivision (e)(4) does not preclude the approval of an application to collocate a small cell in which the applicant chooses, in its sole discretion, a design that accommodates other functions or attributes of benefit to the authority.

**13-24-408. Uniform local authority requirements for deployment and maintenance of small wireless facilities; exceptions.**

(a)

(1) No local authority shall restrict the size, height, or otherwise regulate the appearance or placement of small wireless facilities, or prohibit collocation on PSSs, except a local authority shall require that:

(A) A new PSS installed or an existing PSS replaced in the ROW not exceed the greater of:

(i) Ten feet (10') in height above the tallest existing PSS in place as of the effective date of this part that is located within five hundred feet (500') of the new PSS in the ROW and, in residential neighborhoods, the tallest existing PSS that is located within five hundred feet (500') of the new PSS and is also located within the same residential neighborhood as the new PSS in the ROW;

(ii) Fifty feet (50') above ground level; or

(iii) For PSS installed in a residential neighborhood, forty feet (40') above ground level.

(B) Small wireless facilities deployed in the ROW after the effective date of this part shall not extend:

(i) More than ten feet (10') above an existing PSS in place as of the effective date of this part; or

(ii) On a new PSS, ten feet (10') above the height permitted for a new PSS under this section.

(C) Nothing in this part applies to or restricts the height of a utility pole used for electric distribution, regardless of whether a small wireless facility is colocated on the utility pole.

(2) An applicant may construct, modify, and maintain a PSS or small wireless facility that exceeds the height limits set out in subdivision (a)(1) only if approved under the local authority's generally applicable zoning regulations that expressly allow for the taller structures or if approved pursuant to a zoning appeal.

(b) A local authority may require an applicant to comply with a local authority's nondiscriminatory requirements for placing all electric, cable, and communications facilities underground in a designated area of a ROW if the local authority:

(1) Has required all electric, communications, and cable facilities, other than authority-owned PSSs and attachments, to be placed underground prior to the date on which the application is submitted;

(2) Does not prohibit the replacement of authority-owned PSSs in the designated area when the design for the new PSS meets the authority's design aesthetic plan for the area and all other applicable criteria provided for in this part; and

(3) Permits applicants to seek a waiver of the underground requirements for the placement of a new PSS to support small wireless facilities and the approval or nonapproval of the waivers are decided in a nondiscriminatory manner.

(c)

(1) Except for facilities excluded from evaluation for effects on historic properties under 47 C.F.R. § 1.1307(a)(4) or any subsequently enacted similar regulations, a local authority may require reasonable, nondiscriminatory, and technology neutral design or concealment measures in a historic district if:

(A) The design or concealment measures do not have the effect of prohibiting any applicant's technology or substantially reducing the functionality of the small wireless facility, and the local authority permits alternative design or concealment measures that are reasonably similar; and

(B) The design or concealment measures are not considered a part of the small wireless facility for purposes of the size conditions contained in the definition of "small wireless facility" in § 13-24-402.

(2) Nothing in this section limits a local authority's enforcement of historic preservation zoning regulations consistent with the preservation

of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1966 codified in 54 U.S.C. § 300101 et seq., and the regulations adopted and amended from time to time to implement those laws.

(d) No local authority shall require network design for small wireless facilities, including mandating the selection of any specific PSS or category of PSS to which an applicant must attach any part of its network. No local authority shall limit the placement of small wireless facilities by imposing minimum separation distances for small wireless facilities or the structures on which the facilities are colocated. The prohibitions in this subsection (d) do not preclude a local authority from providing general guidance regarding preferred designs or from requesting consideration of design alternatives in accordance with the process set forth in § 13-24-409(b).

(e) A local authority may prohibit colocation on local authority-owned PSSs that are identified as PSSs the mast arms of which are routinely removed to accommodate frequent events, including, but not limited to, regularly scheduled street festivals or parades. To qualify for the exception set out in this subsection (e), an authority must publish a list of the PSSs on its website and may prohibit colocation only if the PSS has been designated and published as an exception prior to an application. A local authority may grant a waiver to allow colocation on a PSS designated under this subsection (e) if an applicant demonstrates that its design for colocation will not interfere with the operation of the PSS and otherwise meets all other requirements of this part.

(f) An applicant may replace an existing local authority-owned PSS when collocating a small wireless facility. When replacing a PSS, any replacement PSS must reasonably conform to the design aesthetics of the PSS being replaced, and must continue to be capable of performing the same function in a comparable manner as it performed prior to replacement.

(g) When replacing a local authority-owned PSS the replacement PSS become the property of the local authority and maintenance and repair obligations are as follows:

(1) For local authority-owned PSSs used for lighting, a local authority may require the applicant to provide lighting on the replacement PSS. Both the PSS and the lighting shall become the property of the local authority only upon completion of the local authority's inspection of the new PSS to ensure it is in working condition and that any lighting is equivalent to the quality and standards of the lighting on the PSS prior to replacement. After satisfactory inspection, the local authority's ownership shall include responsibility for electricity and ordinary maintenance, but the local authority shall not be responsible for electric power, maintenance or repair of the small wireless facility collocated on the local authority-owned PSS; and

(2) When the applicant's design for replacing a local authority-owned PSS substantially alters the PSS, then the applicant shall indicate in its application whether the applicant will manage maintenance and repairs in case of damage or whether the applicant agrees that, if the PSS is damaged and requires repair, then the local authority may replace the PSS without regard to the alterations and require the applicant to perform any work necessary to remove or dispose of the small wireless facility. If the applicant assumes the responsibility for repair, then the applicant is entitled to a right of subrogation with regard to local authority insurance coverage or any recovery obtained from third parties liable for the damage.

(h) A local authority may conduct periodic training sessions or seminars for the purpose of sharing local information relevant to deployment of small wireless facilities and best practices. Applicants must make a good faith effort to participate in the opportunities.

**13-24-409. Uniform application procedures for local authorities.**

(a) A local authority may require an applicant to seek permission by application to colocate a small wireless facility or install a new or modified PSS associated with a small wireless facility and obtain one (1) or more work permits, as long as the work permits are of general applicability and do not apply exclusively to wireless facilities.

(b) If a local authority requires an applicant to seek permission pursuant to subsection (a), the authority must comply with the following:

(1) A local authority shall allow an applicant to include up to twenty (20) small wireless facilities within a single application;

(2) A local authority shall, within thirty (30) days of receiving an application, determine whether an application is complete and notify the applicant. If an application is incomplete, a local authority must specifically identify the missing information in writing when the applicant is notified;

(3)

(A) Within thirty (30) days of receiving an application, a local authority may notify an applicant of the need for a conference with the applicant to assist the local authority in understanding or evaluating the applicant's design with regard to one (1) or more small wireless facilities contained in its application.

(B) For an application containing multiple small wireless facilities, the local authority shall specify the specific small wireless facilities for which conference is needed, and the sixty-



day period for reviewing the application must be extended to seventy-five (75) days as provided in subdivision (b)(7).

(C) The local authority is responsible for scheduling the conference and shall permit the applicant to attend telephonically. The seventy-five-day period is not tolled while the conference is scheduled unless the applicant agrees to an additional extension of the review period.

(D) Issues that may be addressed by the conference include, but are not limited to:

(i) Safety considerations not adequately addressed by the application or regarding which the local authority proposes additional safety-related alterations to the design;

(ii) Potential of conflict with another applicant's application for the same or a nearby location;

(iii) Impact of planned construction or other public works projects at or near the location identified by the application; and

(iv) Alternative design options that may enable colocation on existing PSS instead of deployment of new PSS or opportunities and potential benefits of alternative design that would incorporate other features or elements of benefit to the local authority. However, the existence of alternatives does not constitute a basis for denial of an application that otherwise satisfies all generally applicable standards for construction in the ROW and the requirements established by this part;

(4) A local authority shall process all applications on a nondiscriminatory basis;

(5) Except when extension of the review period is allowed by this section, a local authority shall approve or deny all small wireless facilities within an application within sixty (60) days of receipt of the application. For those applications seeking permission to deploy or colocate multiple small wireless facilities, the local authority shall deny permission only as to those small wireless facilities for which the application does not demonstrate compliance with all generally applicable ROW standards imposed on entities entitled to place infrastructure in the ROW and the requirements established by this part. A local authority shall not deny permission solely on the basis that the small wireless facility was contained in the same application as other small wireless facilities that are not approved;

(6) Any application or any portion of an application that is not approved or denied within sixty (60) days is deemed approved, unless the sixty-day period has been extended consistent with this section. If the period has been extended, then the date on which approval will be deemed to occur is also extended to the same date of the applicable extension;

(7) Except as otherwise provided in this subdivision (7), a local authority shall not extend the sixty-day period to provide for additional or supplemental review by additional departments or designees. The sixty (60) day review period may be tolled or extended only as follows:

(A) The sixty-day period is tolled if a local authority sends notice to the applicant that the application is incomplete within thirty (30) days after the initial application is filed, but this tolling ceases once additional or supplemental information is provided to the local authority. If supplemental information is not received within thirty (30) days of the date on which notice of incompleteness is sent by the authority, then the application may be denied and a new application required;

(B) The local authority and the applicant may mutually agree to toll the sixty-day period;

(C) The sixty-day review period is extended to seventy-five (75) days upon timely notice by the authority of the need for a conference as provided in subdivision (b)(3), but the seventy-five-day period must not be further extended for applications under subdivision (b)(7)(D) or (E);

(D) If an applicant submits applications to the same local authority seeking permission to deploy or colocate more than thirty (30), but fewer than fifty (50), small wireless facilities within any thirty-day period, then the local authority may upon notice to the applicant extend the sixty-day period for reviewing the applications to seventy-five (75) days, but the seventy-five-day period shall not be further extended for a conference as provided in subdivision (b)(7)(C);

(E) If an applicant submits applications to the same local authority seeking permission to deploy or colocate fifty (50) or more small wireless facilities within any thirty-day period, then the local authority may, upon notice to the applicant, extend the period for reviewing the applications to ninety (90) days, but the ninety-day period must not be further extended for a conference as provided in subdivision (b)(7)(C); and

(F) If an applicant submits applications to the same local authority seeking permission to deploy or colocate more than one hundred twenty (120) small wireless facilities within any sixty-day

period, then the local authority may issue notice to the applicant that the authority requires the applicant to select from the following two (2) options for high-volume applicants. The applicant may choose to:

(i) Pay a surcharge to maintain the same review time period that would be otherwise applicable. The surcharge is in addition to the ordinary application fee provided in § 13-24-407. The surcharge is one hundred dollars (\$100) for each small wireless facility that the applicant elects to have reviewed using the otherwise applicable review period, and the applicant shall submit its list identifying the specific small wireless facilities it elects to have reviewed in the ordinarily applicable period with its surcharge payment within five (5) days of receiving the local authority's notice that applications have been received triggerin the election of either a surcharge r extension of the review time period described in (b)(7), (C), (D), or (E); or

(ii) If no identifying list is provided or if payment of a surcharge is not made within the applicable time period, or, for those small wireless facilities not timely identified and for which no surcharge is timely paid, the ordinarily applicable review period shall be extended to one hundred-twenty (120) days; and

(8) If a local authority denies an application, it shall provide written explanation of this denial at the same time the local authority issues the denial.

(c) A local authority shall not deny an application unless the applicant has failed to satisfy this part or has failed to submit a design that complies with the generally applicable requirements that the local authority imposes on a nondiscriminatory basis upon entities deploying or constructing infrastructure in a ROW.

(d) Contemporaneous with an approval of an application in which the design includes replacement or construction of a new PSS, a local authority may notify the applicant of the further requirement that the applicant shall provide a professional engineer's certification that the installation of the new PSS has been completed consistent with the approved design as well as all generally applicable safety and engineering standards.

(e) After denial of an application, if an applicant provides a revised application that cures deficiencies identified by the local authority within thirty (30) days of the denial, then no additional application fee shall be required. A local authority shall approve or deny the revised application within thirty (30) days from the time the revised application is submitted to the authority. Any subsequent review of an application by a local government must be limited to the

deficiencies cited in the denial or deficiencies that relate to changes in the revised application and that were not contained in the original application;

(f) A local authority shall not, either expressly or de facto, discontinue its application process or prohibit deployment under the terms of this part prior to adoption of any application process; and

(g) A local authority shall not require applicants to provide any information not listed in this subsection (g). A local authority may require the following information to be provided in an application:

(1) A preliminary site plan with a diagram or engineering drawing depicting the design for installation of the small wireless facility with sufficient detail for the local authority to determine that the design of the installation and any new PSS or any modification of a PSS is consistent with all generally applicable safety and design requirements, including the requirements of the Manual on Uniform Traffic Control Devices;

(2) The location of the site, including the latitudinal and longitudinal coordinates of the specific location of the site;

(3) Identification of any third party upon whose PSS the applicant intends to colocate and certification by the applicant that it has obtained approval from the third party;

(4) The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all nondiscriminatory and generally applicable ROW requirements for deployment of any associated infrastructure that is not a small wireless facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility;

(5) The applicant's certification of compliance with surety bond, insurance, or indemnification requirements; rules requiring maintenance of infrastructure deployed in ROW; rule requiring relocation or timely removal of infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the local authority imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the ROW; and

(6) The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight-bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.

(h) An applicant must complete deployment of the applicant's small wireless facilities within nine (9) months of approval of applications for the small wireless facilities unless the local authority and the applicant agree to extend the period, or a delay is caused by a lack of commercial power or communications transport facilities to the site. If an applicant fails to complete deployment within the time required pursuant to this subsection (h), then the local authority may require that the applicant complete a new application and pay an application fee.

(i) If a local authority receives multiple applications seeking to deploy or colocate small wireless facilities at the same location in an incompatible manner, then the local authority may deny the later filed application.

(j) A local authority may require the applicant to designate a safety contact for any colocation design that includes attachment of any facility or structure to a bridge or overpass. After the applicant's construction is complete, the applicant shall provide to the safety contact a licensed professional engineer's certification that the construction is consistent with the applicant's approved design, that the bridge or overpass maintains the same structural integrity as before the construction and installation process, and that during the construction and installation process neither the applicant nor its contractors have discovered evidence of damage to or deterioration of the bridge or overpass that compromises its structural integrity. If such evidence is discovered during construction, then the applicant shall provide notice of the evidence to the safety contact.

(k) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this part does not authorize the provision of any communications service or the installation, placement, maintenance or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in a right of way.

**13-24-410. Provisions applicable solely to the state as an authority.**

Notwithstanding any other provision in this part to the contrary, the deployment of small wireless facilities in state ROW is subject to the provisions of this section, as follows:

(1) In those instances in which an applicant seeks to deploy a small wireless facility or new PSS within a state ROW under the control of the department of transportation or to colocate on state-owned PSSs that are subject to oversight by the department of transportation, an application must be made to the department of transportation;

(2)

(A) The department of transportation may charge an applicant an application fee of one hundred dollars (\$100) for each application to deploy small wireless facilities in a state ROW up to a maximum of five (5) small wireless facilities. The department may charge an additional fee in the amount of fifty dollars (\$50) for

each additional small wireless facility included in a single application. Beginning on January 1, 2020, and at each five-year interval thereafter, the application fees established in this subdivision (2)(A) shall increase by the amount of ten percent (10%);

(B) The department of transportation shall not require a permit or charge an application fee for routine maintenance or replacement of a small wireless facility in a state ROW unless the maintenance or replacement requires the installation of a new PSS or the replacement of a PSS or the maintenance or replacement activity will require disturbance of the highway pavement or shoulders;

(C) The department of transportation may impose inspection costs in the same manner such costs are imposed with respect to other entities that deploy infrastructure in a state ROW; and

(D) The department of transportation may require the applicant to provide a surety bond in the same manner as a surety bond is required with respect to other entities that deploy infrastructure in a state ROW;

(3) The application shall conform to the department of transportation's generally applicable rules or policies applicable to those entities that the department of transportation permits to deploy infrastructure in a state ROW;

(4) The department of transportation shall endeavor, when feasible in its discretion, to comply with the timetable for review of applications by local authorities set out in § 13-24-409, but the department of transportation shall have discretion to extend the time for review and shall provide notice to the applicant of additional time needed. No application to the department of transportation shall be deemed approved until the application is affirmatively acted upon;

(5) Until the department of transportation promulgates rules for the deployment of small wireless facilities as set forth in subdivision (8), the department of transportation shall accept applications to deploy small wireless facilities in a state ROW and shall consider each application on a case-by-case basis and shall, in its complete discretion, grant or deny such applications;

(6) Nothing in this part precludes the department of transportation from exercising any regulatory power or conducting any action necessary to comply with 23 USC § 131 and § 54-21-116 relating to the regulation of billboards or to satisfy any requirements of federal funding established by state and federal law.

(7) To ensure that this part does not impose new costs significant enough to outweigh the benefits of small wireless facilities, the department of transportation shall not be required to reimburse the costs of relocation of small wireless facilities from a state ROW, notwithstanding any decision the department of transportation may make to exercise its discretionary authority under § 54-5-804 to reimburse other owners of utility facilities for relocation costs arising from a highway construction project;

(8) The department of transportation shall promulgate rules or establish agency policies applicable to deployment of small wireless facilities within state ROW and the colocation of small wireless facilities on state-owned PSS in state ROW, including, but not limited to, the establishment of an annual rate for the colocation of a small wireless facility on state-owned PSS in a state ROW. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(9) Nothing in this act restricts the department of transportation from the management of a state ROW or a state-owned PSS in a state ROW as otherwise established by law.

**13-24-411. Authority powers preserved.**

Consistent with the limitations in this part, an authority may require applicants to:

(1) Follow generally applicable and nondiscriminatory requirements that structures and facilities placed within a ROW must be constructed and maintained as not to obstruct or hinder the usual travel upon pedestrian or automotive travel ways and the ADAAG standards adopted by the authority to achieve compliance with the ADA, including PROWAG, if adopted by the authority or public safety on the ROW or obstruct the legal use of the ROW by utilities;

(2) Follow an aesthetic plan established by the authority for a defined area, neighborhood, or zone by complying with generally applicable and nondiscriminatory standards on all entities entitled to deploy infrastructure a ROW, except that an authority shall not apply standards in a manner that precludes all deployment of small wireless facilities or precludes deployment of small wireless facilities as a permitted use pursuant to zoning requirements and an authority shall provide detailed explanation of any denial based on the failure of the design to conform to the aesthetic plan. Notwithstanding this subdivision (2), in residential neighborhoods, an authority may impose generally applicable standards that limit deployment or colocation of small wireless facilities in public utility easements when the easements are:

(A) Not contiguous with paved roads or alleys on which vehicles are permitted;

(B) Located along the rear of residential lots; and

(C) Subject to a generally applicable restriction that no electric distribution or telephone utility poles are permitted to be deployed;

(3) In residential neighborhoods, deploy new PSS in a ROW to be located within twenty-five feet (25') from the property boundaries separating residential lots larger than three-quarters of an acre in size and may require new PSS deployed in a ROW to be located within fifteen feet (15') from the property boundaries separating residential lots three quarters of an acre in size or smaller;

(4) Repair damage caused by entities entitled to deploy infrastructure in a ROW, including damage to public roadways or to other utility facilities placed in a ROW based on generally applicable and nondiscriminatory requirements imposed the authority; and

(5) Require maintenance or relocation of infrastructure deployed in the ROW; timely removal of infrastructure no longer utilized; and insurance, surety bonds, or indemnification for claims arising from the applicant's negligence to the same extent the authority applies such requirements generally to entities entitled to deploy infrastructure in ROW based on generally applicable and nondiscriminatory requirements imposed the authority.

**13-24-412. Private right of action.**

Any party aggrieved by the failure of an authority to act in accordance with this part may seek remedy in the chancery court for the county in which the applicant attempted to deploy or has deployed a small wireless facility, unless the claim seeks a remedy against the state, in which case the claim must be brought in the chancery court of Davidson County. The court may order an appropriate remedy to address any action inconsistent with this part.

SECTION 2. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3.

(a) The Tennessee Advisory Commission on Intergovernmental Relations shall study and prepare a report on the impact of this act, including:

(1) The impact on deployment of broadband;

(2) The fiscal impact on authorities resulting from the administrative process required by this act;



(3) Best practices from the perspective of applicants and authorities;

(4) Best practices in other states and identify opportunities to advance the quality of transportation in this state by utilizing technological applications, sometimes referred to as "smart transportation applications," that are supported by small wireless facilities; and

(5) Recommendations for changes to this act based on the study's findings.

(b) The report must be delivered to the chairs of the house business and utilities committee of the house of representatives and commerce and labor committee of the senate by January 1, 2021.

#### SECTION 4.

(a) All applications to deploy or colocate small wireless facilities that are pending on the date this act becomes law shall be granted or denied consistent with the substantive requirements of this act within either ninety (90) days of the effective date of this act or ninety (90) days from the date such applications were originally submitted, whichever is later.

(b) For all applications submitted after the effective date of this act but before July 1, 2018, the applicable review periods shall not begin to run until July 1, 2018. Beginning on July 1, 2018 and thereafter, the review periods established herein shall be calculated consistent with the actual date such applications are filed.

SECTION 5. Except for the review periods established in Section 1 in § 13-24-409, all other provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Business and Utilities Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

#### **Amendment No. 2**

AMEND House Bill No. 2279 by deleting the language "wireless facilities" in the first sentence of subdivision (6) in § 13-24-402 in Section 1 and substituting instead the language "small wireless facilities".

**AND FURTHER AMEND** by deleting the language "that is or could be used in whole or in part to support infrastructure or network components that deliver communications and includes structures used for electric distribution" in subdivision (15) in § 13-24-402 in Section 1 and substituting instead the language "used for wireline communications, electric distribution".

**AND FURTHER AMEND** by deleting the language "(17)(A)(ii)" in subdivision (19) in § 13-24-402 in Section 1 and substituting instead the language "(19)(A)(ii)".

**AND FURTHER AMEND** by deleting subdivision (21) in § 13-24-402 in Section 1 and substituting instead the following:

(21)

(A) "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

(i) Equipment associated with wireless communications; and

(ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration;

(B) "Wireless facility" does not include:

(i) The structure or improvements on, under, or within which the equipment is colocated;

(ii) Wireline backhaul facilities; or

(iii) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna; and

(C) "Wireless facility" includes small wireless facilities;

**AND FURTHER AMEND** by deleting subsection (c) from § 13-24-404 in Section 1 and substituting instead the following:

(c) For colocation of small wireless facilities in the ROW that is within the jurisdiction of a local authority that does not require an application and does not require work permits for deployment of infrastructure within the ROW, an applicant shall provide notice of the colocation by providing the materials set forth in § 13-24-409(g) to the office of the county mayor and the chief administrative officer of the county highway department, if the colocation is in the unincorporated area, or the city, if the colocation is in an incorporated area.

**AND FURTHER AMEND** by deleting the language "along highways with a speed limit of fifty-five miles per hour (55 mph) or more; to reduce the danger of injuries due to automobile accidents" in subdivision (7) in § 13-24-405 in Section 1.

**AND FURTHER AMEND** by deleting the language "requirements or procedures regarding removal of unsafe" in subdivision (9) in § 13-24-405 in Section 1 and

substituting instead the language "rules regarding removal of unsafe, abandoned, or inoperable".

**AND FURTHER AMEND** by deleting the language "For PSS" in subdivision (a)(1)(A)(iii) in § 13-24-408 in Section 1 and substituting instead the language "For a PSS".

**AND FURTHER AMEND** by deleting subdivision (a)(1)(C) in § 13-24-408 in Section 1 and substituting instead the following:

Nothing in this part applies to or restricts the ability of an electric distributor or its agent or designated party to change the height of a utility pole used for electric distribution, regardless of whether a small wireless facility is colocated on the utility pole. This section does not authorize a wireless provider to install or replace a PSS above the height restrictions in subdivision (a)(1)(A).

**AND FURTHER AMEND** by deleting the language "PSS the replacement PSS become" in subsection (g) in § 13-24-408 in Section 1 and substituting instead the language "PSS, the replacement PSS becomes".

**AND FURTHER AMEND** by deleting the language "on existing PSS instead of deployment of new" in subdivision (b)(3)(D)(iv) in § 13-24-409 in Section 1 and substituting instead the language "on an existing PSS instead of deployment of a new".

**AND FURTHER AMEND** by deleting the language ". The applicant may choose to" in subdivision (b)(7)(F) in § 13-24-409 in Section 1.

**AND FURTHER AMEND** by deleting the language "triggerin the election of either a surcharge r" in subdivision (b)(7)(F)(i) in § 13-24-409 in Section 1 and substituting instead the language ", triggering the election of either a surcharge or".

**AND FURTHER AMEND** by deleting the "and" at the end of subdivision (b)(7)(F)(ii) in § 13-24-409 in Section 1 and inserting the following new subdivision (iii):

(iii) If an applicant submits an application in which the proposed design will affect in any manner a regulatory sign, as defined by the Manual on Uniform Traffic Control Devices, or any sign subject to a requirement for breakaway supports, then the local authority may reject the application. If an application is rejected on that basis, however, the local authority shall permit the applicant to seek reconsideration of its design. If the applicant requests reconsideration, then the local authority shall provide the opportunity for the applicant to schedule a conference to discuss the local authority's specific concerns within thirty (30) days of the reconsideration request. The applicant must submit a revised design or otherwise respond to the local authority's concerns within thirty (30) days of the conference, and upon receipt of the revised design or response, the local authority shall approve or deny the application within sixty (60) days, and the local authority has complete discretion to approve or deny the application in a nondiscriminatory manner; and

**AND FURTHER AMEND** by deleting the language "new PSS" in subsection (d) in § 13-24-409 in Section 1 and substituting instead the language "new or replacement PSS".

**AND FURTHER AMEND** by deleting subdivision (1) in § 13-24-411 in Section 1 and substituting instead the following:

(1) Follow generally applicable and nondiscriminatory requirements for entities that deploy infrastructure or perform construction in a ROW:

(A) Requiring structures and facilities placed within a ROW to be constructed and maintained as not to obstruct or hinder the usual travel upon pedestrian or automotive travel ways;

(B) Requiring compliance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) standards adopted by the authority to achieve compliance with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.), including Public Rights-of-Way Accessibility Guidelines (PROWAG) if adopted by the authority;

(C) Requiring compliance with measures necessary for public safety; and

(D) Prohibiting obstruction of the legal use of a ROW by utilities;

**AND FURTHER AMEND** by deleting the language "to deploy infrastructure a ROW" in subdivision (2) in § 13-24-411 in Section 1 and substituting instead the language "to deploy infrastructure in a ROW".

**AND FURTHER AMEND** by deleting the language "imposed the authority" in subdivisions (4) and (5) in § 13-24-411 in Section 1 wherever it may appear and substituting instead the language "imposed by the authority".

On motion, Finance, Ways & Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Lamberth moved that **House Bill No. 2279**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Smith, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

Representatives present and not voting were: Sherrell -- 1

A motion to reconsider was tabled.

**\*House Bill No. 1480** -- Evidence - As introduced, prohibits the exclusion from a criminal trial of certain out-of-court statements made by a child under 12 years of age that describe any sexual act or act of physical violence directed against the child. - Amends TCA Title 24. by \*Lamberth, \*Matlock, \*Dunn, \*Jones. (SB1593 by \*Yager, \*Briggs, \*Haile, \*Jackson, \*Massey)

On motion, House Bill No. 1480 was made to conform with **Senate Bill No. 1593**; the Senate Bill was substituted for the House Bill.

Rep. Lamberth moved that Senate Bill No. 1593 be passed on third and final consideration.

Rep. Curcio moved that Criminal Justice Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lamberth moved that **Senate Bill No. 1593** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes.....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 95

A motion to reconsider was tabled.

**House Bill No. 1714** -- Workers Compensation - As introduced, removes requirement that every workers' compensation insurer that provides insurance for Tennessee workers' compensation claims be required to maintain a claims office or to contract with a claims adjuster located within this state. - Amends TCA Title 50, Chapter 6. by \*Lynn. (\*SB1615 by \*Johnson)

On motion, House Bill No. 1714 was made to conform with **Senate Bill No. 1615**; the Senate Bill was substituted for the House Bill.

Rep. Lynn moved that **Senate Bill No. 1615** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	74
Noes.....	18
Present and not voting.....	2

Representatives voting aye were: Boyd, Brooks H., Brooks K., Butt, Calfee, Carr, Carter, Casada, Coley, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Forgety, Gant, Goins, Gravitt, Halford, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Moody, Moon, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Terry, Thompson, Tillis, Travis, Turner, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 74

Representatives voting no were: Akbari, Beck, Clemmons, Favors, Fitzhugh, Gilmore, Hardaway, Jones, Love, Miller, Mitchell, Parkinson, Powell, Shaw, Staples, Stewart, Towns, Van Huss -- 18

Representatives present and not voting were: Camper, Cooper -- 2

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following members desire to change their original stand from "aye" to "no" on **Senate Bill No. 1615** and have this statement entered in the Journal: Reps. DeBerry and Turner.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **Senate Bill No. 1615** and have this statement entered in the Journal: Rep. Van Huss.

#### REGULAR CALENDAR, CONTIUNED

**\*House Bill No. 2348** -- Controlled Substances - As introduced, requires a prescriber who prescribes more than a five-day supply of opioids to a non-pregnant fertile woman to inform the patient about the risk of fetal injury and neonatal abstinence syndrome in the event of pregnancy; encourages prescribers to recommend and assist with the implementation of birth control methods for such patients. - Amends TCA Title 53 and Title 63. by \*Williams, \*Harwell, \*Johnson, \*Terry, \*Sexton C, \*White M, \*Clemmons. (SB2674 by \*Bailey)

Further consideration of House Bill No. 2348, previously considered on March 8, 2018 and March 22, 2018, at which time it was reset for today's Calendar.

Rep. Williams moved that **House Bill No. 2348** be reset for the next available Regular Calendar, which motion prevailed.

## MESSAGE CALENDAR

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1539** -- Health, Dept. of - As introduced, requires the commissioner to develop and make available on the department's website educational literature about the risks and prevalence of sudden infant death syndrome (SIDS) and of research findings that may lead to the means of prevention, early identification, and treatment of SIDS. - Amends TCA Title 56; Title 63 and Title 68. by \*Windle, \*Sexton C, \*Love, \*Staples. (SB2673 by \*Bailey)

#### Senate Amendment No. 1

AMEND House Bill No. 1539 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-1-1103, is amended by adding the following as a new subdivision:

(7) Develop educational literature to inform the general public of the risks and prevalence of sudden infant death syndrome and other infant sleep-related deaths that are sometimes mislabeled as sudden infant death syndrome, so that such information may lead to the possible means of prevention. The commissioner shall make the literature set out in this subdivision (7) available on the department of health's website;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Windle moved that the House concur in Senate Amendment No. 1 to **House Bill No. 1539**, which motion prevailed by the following vote:

Ayes .....	93
Noes.....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 93

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE MESSAGES

**\*House Bill No. 2603** -- Licenses - As introduced, requires persons subject to licensure as emergency medical services personnel to notify the commissioner of health of all convictions and pending charges of commission of a felony or misdemeanor within 10 business days of the occurrence of such actions. - Amends TCA Title 68, Chapter 140. by \*Williams. (SB2675 by \*Bailey)

Rep. Williams moved that **House Bill No. 2603** be reset for the next available Message Calendar, which motion prevailed.

### UNFINISHED BUSINESS

#### RULES SUSPENDED

Rep. Hawk moved that the rules be suspended in order to allow **House Bill No. 1481** to be heard in the Education Instruction and Programs Committee this week, which motion prevailed.

#### RULES SUSPENDED

Rep. Hawk moved that the rules be suspended in order to allow **House Bills Nos. 1936** and **2060** to be heard in the Finance, Ways & Means Subcommittee this week, which motion prevailed.

#### RULES SUSPENDED

Rep. Hawk moved that the rules be suspended in order to allow **House Bill No. 2633** to be heard in the Local Government Subcommittee this week, which motion prevailed.

#### RULES SUSPENDED

Rep. Hawk moved that the rules be suspended in order to allow **House Bill No. 2591** to be heard in the State Government Subcommittee this week, which motion prevailed.

### NOTICE TO ACT ON SENATE MESSAGE

Pursuant to **Rule No. 59**, notice was given that the following measure from the Senate would be considered on March 29, 2018:

**House Bill No. 1976:** by Rep. Marsh



**RULES SUSPENDED**

Rep. Sargent moved that the rules be suspended for the purpose of introducing House Resolution No. 266 out of order, which motion prevailed.

**House Resolution No. 266** -- Lottery, Charitable - Approves 2017–2018 annual gaming events by the house of representatives, second omnibus list. by \*Sargent.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. Sargent moved adoption of **House Resolution No. 266**, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0

Representatives voting aye were: Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Doss, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Sherrell, Smith, Staples, Stewart, Terry, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 94

House Resolution No. 266, having received a vote in the affirmative by two-thirds of the members elected to the Tennessee House of Representatives of the One Hundred Tenth General Assembly, was declared adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Terry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 994 out of order, which motion prevailed.

**House Joint Resolution No. 994** -- Memorials, Death - Dr. George W. Smith. by \*Sparks, \*D. White, \*J. Sexton, \*Rudd, \*Turner, \*Hardaway, \*DeBerry, \*Akbari, \*Camper, \*Miller, \*Parkinson, \*Shaw, \*Favors, \*Cooper, Gilmore, \*Staples, \*Love, \*Harwell.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Terry, the resolution was adopted.

A motion to reconsider was tabled.

### RULES SUSPENDED

Rep. Ramsey moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 754 out of order.

Without objection, Rep. Ramsey withdrew the motion to suspend the rules.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 2679** and have this statement entered in the Journal: Rep. Shaw.

### ANNOUNCEMENTS

Rep. Sargent announced that all budget amendments would be heard Thursday, March 29 after session.

The Clerk announced the Delayed Bills Committee would meet immediately following session Thursday, March 29, 2018.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 730** Reps. Hardaway, Love, Terry, Faison, Beck and Clemmons as prime sponsors.

**House Joint Resolution No. 740** Rep. Sparks as prime sponsor.

**House Bill No. 487** Reps. McCormick and Fitzhugh as prime sponsors.

**House Bill No. 571** Reps. Sherrell, M. White and Carr as prime sponsors.

**House Bill No. 889** Rep. Lamberth as prime sponsor.

**House Bill No. 1237** Rep. Cooper as prime sponsor.

**House Bill No. 1574** Rep. D. White as prime sponsor.

**House Bill No. 1738** Rep. Rogers as prime sponsor.

**House Bill No. 1881** Rep. Littleton as prime sponsor.

**House Bill No. 1968** Rep. Dunn as prime sponsor.

**House Bill No. 2281** Rep. Hardaway as prime sponsor.

**House Bill No. 2315** Reps. Zachary, Van Huss, Carr, Vaughan, Crawford, Hawk, Whitson, Tillis, Kane, Calfee, Marsh, C. Sexton, Lynn, Johnson, Moon, T. Hill, Holt, Casada, Holsclaw, Halford, H. Brooks, Sargent, K. Brooks, McCormick, McDaniel, Carter, Travis, Gant, Smith, Sherrell, Powers, Lollar, Gravitt, Sparks, Littleton, Hulse, Coley, Ragan, Doss, Lamberth, Howell, Hicks, Williams, Faison and Kumar as prime sponsors.

**House Bill No. 2323** Rep. Camper as prime sponsor.

**House Bill No. 2348** Rep. Love as prime sponsor.

**House Bill No. 2356** Rep. Smith as prime sponsor.

**House Bill No. 2522** Rep. Cooper as prime sponsor.

**House Bill No. 2555** Rep. Littleton as prime sponsor.

**House Bill No. 2591** Rep. Van Huss as First prime sponsors.

**House Bill No. 2643** Rep. Williams as First prime sponsor.

#### **SPONSORS REMOVED**

On Motion, Rep. Sargent was removed as sponsor of **House Bill No. 2051**.

#### **ENGROSSED BILLS March 26, 2018**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 985;

GREG GLASS, Chief Engrossing Clerk

#### **MESSAGE FROM THE GOVERNOR March 26, 2018**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 641, 870, 874, 918, 919, 920 and 940; with his approval.

DWIGHT E. TARWATER, Legal Counsel to the Governor

**ROLL CALL**

The roll call was taken with the following results:

Present..... 91

Representatives present were Akbari, Beck, Boyd, Brooks H., Brooks K., Butt, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Crawford, Curcio, DeBerry, Dunn, Eldridge, Farmer, Favors, Fitzhugh, Forgety, Gant, Gilmore, Goins, Gravitt, Halford, Hardaway, Hawk, Hazlewood, Hicks, Hill M., Hill T., Holsclaw, Holt, Howell, Hulse, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller, Mitchell, Moody, Moon, Parkinson, Pitts, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Rudd, Sanderson, Sargent, Sexton C., Sexton J., Sherrell, Smith, Stewart, Terry, Thompson, Tillis, Towns, Travis, Turner, Van Huss, Vaughan, Weaver, White D., White M., Whitson, Williams, Windle, Wirgau, Zachary, Madame Speaker Harwell -- 91

**RECESS**

On motion of Rep. Hawk, the House stood in recess until 9:00 a.m., Thursday, March 29, 2018.